

**HEALTH COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

A regular meeting of the Health Committee was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **December 6, 2001** at 10:00 a.m.

**MEMBERS PRESENT:**

Legislator Ginny Fields, Chairman  
Legislator Brian Foley, Vice Chair  
Legislator Maxine Postal  
Legislator Martin Haley

**ALSO IN ATTENDANCE:**

Paul Sabatino, Legislative Counsel  
Kevin McAllister, Peconic Baykeeper, Inc.  
Matthew Atkinson, Peconic Baykeeper, Inc.  
Adrienne Esposito  
Shirley Morrison, Riverhead Health Center  
Stephen Curtin, Morgue Ambulance Driver  
Lawton Bryant, Morgue Ambulance Driver  
Marilyn Shellabarger, Chairman of the Liaison Committee of the Health Center  
Lori Benincasa, Health Services  
Dr. Clare B. Bradley, Health Department  
Kristine Chayes, Department of Civil Service  
Nancy Manteiga, AME  
Robert Vanson  
Jim Spero, Assistant Director of Budget Review  
Mary Howe, Budget Review  
Michael Inibasciani  
Betty Gallagher, County Executive's Office  
Basia Braddish, Department of Law  
Jeffery Martell, Department of Public Works  
Terry Allar, Department of Real Estate  
Ernest Dionda, Suffolk County Department of Health  
All Interested Parties

**Minutes taken and transcribed by Irene Kulesa, Legislative Secretary**

***(The meeting came to order at 10:10 a.m.)***

**CHAIRPERSON FIELDS:**

We will start the Health Committee Meeting with the Pledge led by Legislator Foley.

SALUTATION

**CHAIRPERSON FIELDS:**

We have seven cards. The first one is Kevin McAllister and I would like to bring you up, Kevin.

**MR. McALLISTER:**

Good morning. Thank you for the opportunity to make a statement. My name is Kevin McAllister.

**CHAIRPERSON FIELDS:**

Just bring the microphone close to you.

**MR. McALLISTER:**

Okay.

**CHAIRPERSON FIELDS:**

You could hold it in your hand even.

**MR. McALLISTER:**

My name is Kevin McAllister. I'm the Peconic Baykeeper. I'm one of 76 keepers under an umbrella organization called the Water Keeper Alliance, which is presided over by Robert Kennedy Jr. Our function is really to protect rivers and estuaries throughout this country. My mission is very straightforward and that's to protect the environmental, as well as economic health of both the Peconic Bay Estuaries, as well as the South Shore Bays.

Very briefly, my credentials include undergraduate degrees in natural resources conservation, as well as marine biology. I also have a minor in chemistry. A great deal of organic chemistry background. I also hold a master's degree in coastal zone management, which ties together land use activities, development pressures with respect to the health of the bays.

I'm here obviously, this morning to speak to the Vector Control Program. The first item I'd like to talk about is the water management activities and particularly, I guess the impacts on salt marshes. Very briefly, the values and functions of salt marshes obviously, they provide important habitat for wading birds and other invertebrates, as well as a reproductive habitat for acting as a nursery ground to the health of the bays.

Another aspect of salt marshes they -- I guess simply put, I equate them with the kidneys of our bays. As the fresh water drains into our estuaries, the salt marshes act as a natural biological filter. You're slowing down the water; removing some pollutants through sedimentation, as well as biological and chemical processes that go on to further purify the fresh water, as it drains into the basin. They also export a great amount of -- really the baseline of the food chain and that's the nitrogen and carbon that comes into the system that really keeps the Peconic Communities driven.

Within the 2002 annual work plan, as our previous work plans, there is an element of water management activities and this speaks to the grid ditching activities. The dredging of our tidal marshes. Historically, most of that work was performed back in the '30's and '40's. I believe through the Civilian Conservation Corps, if I'm correct. In many instances, these tidal grid ditches have actually been in a stage of recovery. They are actually silting in over the fifty-year time period plus in many -- again, in many instances. And my personal observations are the {siltation}; the sedimentation is nearly on grade with respect to the tidal marsh. The grid ditches themselves compromise the tidal marshes. They allow the export of potentially the freshwater to be readily conveyed with some of the pollutants that might be feeding off of the land and it's not being taken out through again, a functioning kidney, if you will.

Mr. Ninivaggi in a 1989 paper, while he was with the New York State Department of Environmental Conservation wrote up a paper for the conservationists. This is New York State's publication, their magazine, Managing New York's Mosquito Coast. In the context of that paper, basically it -- and I'll provide you with these documents, as I speak to them. The context of this statement is to recognize the values and functions of tidal marshes. It goes on to describe that many of the impacts, past impacts, damaging impacts were incurred in previous years. And there's a method called open water marsh management, as a means of remedying some of these past practices, specifically the grid ditching. And I'd like to read to you this small portion of this document, this paper, there's a subheading, how to kill a salt-water marsh. While ditching a marsh might seem relatively innocuous, ditching has radically changed the marsh habitat. Ditches drain the shallow ponds and pools used by wading birds and other water fowl. While ditch marshes often have a lush long like appearance. They do not have the habitat diversity needed for wildlife. This is right on. His statement in this paper, his position in this paper again, as a biologist, as a coastal biologist, he is very accurate in his statements.

And I guess what I'm having difficulty understanding is in the years since 1989, in the present capacity, with respect to the annual work plan in the last couple years, grid ditching has been an element that's been employed regularly. And I can show you in document a number of tidal marshes throughout the South Shore Bays, as well as Peconic Systems that have been opened up in the past couple of years. I further want to support that position. There is, as you know, both the South Shore Bays, as well as more recently the Peconic Bay Estuary has released a management plan, a comprehensive conservation and management plan. Within the context of that program, which I had sat -- do sit on the Technical Advisory Council, we've addressed a number of the issues concerning habitat and again, this is not just an individual statement. This is coming from an overall program that is represented by multiple government agencies, non-government organizations, academic institutions. And again, they speak to the damage that past grid ditching has done and they further state, maintain a policy of creating no new mosquito ditches in tidal wetlands. And establish a policy for not reopening ditches that have been filled in by natural processes. These are recommendations. These are valid recommendations that again, have not been adhered to in the past years and again, once again are being proposed presently.

For a point of note, I'd like to bring to your attention, so you are aware of this. The actual activity for the mechanical grid ditching has been approved through a standing permit from the DEC, from the Department of Environmental Conservation. That practice is now undergoing review and in fact, communications with DEC have indicated that they are waiting presently for the submittal of a new application for the same practice. I believe that permit expires January of 2002.

The next item in the work plan I'd like to speak to is the pesticide activities. Within the context of the work plan, we speak of the use of Larvicides in the interest of knocking back population, the mosquito population through impacts to the larval stage of the mosquito, as well as the Adulticides, the spraying of pesticides targeted for adult mosquitoes. I've done considerable research with respect to the pesticides that are being employed and with the exception of probably one or two particular products, they are all highly toxic to marine organisms, estuarine organisms. I've compiled a little summary for you and I'd like to speak to a couple of them and again, I do have the documents. And I'd actually would like to cite the source and once again, as a biologist with some background in chemistry, I am equipped to speak to this but I want to show you that this is not just a unilateral statement. This is supported by a much more --

**CHAIRPERSON FIELDS:**

Do you have documents that you want to give to us?

**MR. McALLISTER:**

Yes, I do.

**CHAIRPERSON FIELDS:**

After you read or while you read?

**MR. McALLISTER:**

I would like to use them as I speak to them and then --

**CHAIRPERSON FIELDS:**

Or maybe we could -- okay.

**MR. McALLISTER:**

If I may?

**CHAIRPERSON FIELDS:**

Thank you.

**MR. McALLISTER:**

There's a service out there called Extension Toxicology Network. This is a pesticide information project from Cooperative Extension Offices, Cornell University, Oregon State,

University of Idaho, University of California at Davis, Michigan State. They are supported by the USDA and there is also an association and review with the EPA. So these are very creditable esteemed academic institutions that are speaking to these pesticides at length. Start with the couple of Adulticides and these are in the proposed -- in the work plan. One in particular is Altocid or Methoprene, slightly to moderately toxic to fish. And again, I'm summarizing these documents and I ask you to take the time to really read them. Very highly toxic to some species of freshwater, estuarine and marine invertebrates. May cause long term adverse effects in the aquatic environment. The Larvicide that is both, I believe, principally sprayed from aircraft or helicopter over the tidal marshes.

I will share this and this I would hope that this committee will try to find the time to review the record of a recent fact finding hearing held by Legislator Guldi. And at that time, there was two or three baymen that spoke to their observations on the water. They spend -- they are out there every day. They've seen the helicopters disperse the Larvicides over the tidal marshes, perceived larval sites. And within a day or two following these events, when they're pulling their crab traps, they're noticing half of the crabs; they're about dead in their traps. If you recall back in August of 2000, there was a significant blue crab kill in Bellport Bay area that presumably was to be investigated by both the DEC. I know for a fact that they recovered a number of the samples in inquires with DEC, as to the results of their findings. They are unable to provide any information that; in fact; these crabs were tested for the presence of the pesticides and what the results were. So either they didn't follow up with that effort or perhaps the information is just not being published. Vectolex this is B.t. and this is one of the more safer products, practically nontoxic to fish. Shrimp and mussels may be effected adversely and again, these are the larval sites.

Getting into the Adulticides, this is quite concerning. Scourge for one Resmethrin, very highly toxic to fish and invertebrates. Highly toxic to bees. May not be applied to open water or wetlands without a waiver from the EPA. Malathion, wide range of toxicity's to fish. Highly toxic to aquatic invertebrates. Anvil, very highly toxic to fish and invertebrates. Highly toxic to bees. Again, may not be applied to open water or wetlands without EPA approval. Dibrom or Naled, highly to moderately toxic to fish, very highly toxic to aquatic invertebrates. Permethrin, aquatic ecosystems are particularly vulnerable to the impacts of Permethrin, extremely toxic to bees.

These are broad spectrum pesticides that are being sprayed over tidal marshes and in the interest of, I guess, being more concise and looking at the, I guess, the aquatic resources, don't dismiss the value of important insect life in that tidal marsh. In particular, the dragonflies, which are a predator of the mosquito populations. They are being impacted or being -- coming in contact with these pesticides, they are being taken out as well. Again, that's an important component of the overall estuarine ecosystem. Again, I will provide these documents for you.

I do want to cite to you in this, you know I find, I guess, somewhat factuality of the Vector Control annual work plan. Let me find the citation that I'd like to read to you. Okay, this speaks to control of adult mosquitoes, aerial application or Dibrom, Naled would be considered only if it's unique properties, such as its low impact on aquatic life were needed to address public health threat. Dibrom again, highly to moderately toxic to fish, very highly toxic to aquatic organisms. The information and the research I've done again, from these academic institutions are -- appear to be in contradiction with the statement that's being made in this annual work plan.

I would now like to address to you real life impacts, as they relate to the health of the bays. On August 12th, that was a Sunday, I was called from my home to investigate a fish kill. This was the message on my machine at {attributory} leading into Flanders Bay called Priest's Pond. When I arrived on site, there were in the order of probably 60 to 70 juvenile flounder thereabouts. The people that were present actually the owner of this property indicated that the number was far in excess in the preceding hours. What also was present along, this is about 150-foot of stretch of shoreline. Thousands of grass shrimp on this within the inter-tidal zone. The dry shoreline as the tides was receding. In the course of just trying to evaluate this incident, it was conveyed to me that a couple of days prior, Vector

Control came through this neighborhood with a fogger. Ultimately, in the communication with the division staff, they did in fact, confirm that, I believe the date was the seventh that they sprayed nuisance spraying in and around the Flanders area with the product Scourge.

The scenario with -- so this is a Sunday, to put it in proper context, that's when we visually observing dead fish and shrimp, as well as mud crabs, other crustaceans. The days preceding this incident were very dry weather up until Friday. So in all likelihood, the application either reached surface waters directly from drift or there is a runoff event, significant runoff event that brought this pesticide into the water body. That's certainly confirmed by the weather, as well as again, the information from the division. In the interest, I guess, finding out what really was responsible for this and I want to speak to you as a biologist. This was not dissolved oxygen incident. When you're looking at thousands of dead grass shrimp that are, number one are in shallow waters, close to the edge on the tidal fringes, they're not susceptible to low DO. Something else knocked these critters out. I had tried to make contact with DEC. I was unable to get communications within the couple of days following. Within two days, I actually, that incident, I packed these fish and shrimp down on ice, kept them on ice as proper protocol for the sample. Brought them to a laboratory in Holbrook. Asked that there be an analysis for pesticides run. They ran for a suite of pesticides, quite alarming and this is actually very typical and this should speak to pesticides in our environment. There was actually the breakdown products from DDT still present in the sample. So we're looking at juvenile fish, juvenile flounder that fit in the palm in your hand and thousands of grass shrimp. Both DDT and DDE were still present and I've heard this from EPA studies, as well as other sources that again, this product is persistent in the environment.

More particularly, what they identified were Pyrethrins and in this case Pyrethroids. Pyrethrin is the natural {curry}; pyrethroid is a synthetic or manufactured type. That's your scourge and that's your Anvil and Permethrin for that matter. Both in the -- again, in use with the Vector Control Program. It showed up at 27.6 parts per billion. Extremely high levels. Again, the data, when you see this, we're talking at low levels of toxicity or concentrations to have impacts on aquatic organisms. They speak -- there's a study in here that speaks to crawfish, a crustacean. Highly susceptible to the pesticides. Your insects and your crustaceans are similar in anatomy, thereby; the effectiveness on insects is also going to be highly affective on killing crustacean, shrimp, lobsters, your crabs. In the crawfish study, at .00082, I mean, parts per billion. That would be lethal to that organism. So you have to draw some similarities to your grass shrimp, to your crabs that again, they're going to be highly susceptible to the products.

In the interest of further refining and I think what product, what was responsible for the kill? I actually tried to obtain a sample of this Scourge from Vector Control. There was reluctance to provide that to me, nor the laboratory. The argument was that it's a controlled product, a licensed product and I don't have the capability. I don't hold the pesticide license to obtain that. Quite frankly, I think that could have been delivered directly. That would have -- with absolute determination determine whether or not this Scourge was in the sample, however, a subsequent analysis did identify piperonyl butoxide. That's another compound within Anvil as well Scourge. It's what they call a synergist. It makes the pesticide more powerful; it's ability to kill increased.

Piperonyl butoxide showed up at about 54 percent of the overall analysis, overall compound. That is very consistent with the product Scourge and I do have the labeling of that product for you and I will provide it. Restricted use classification due to acute fish toxicity, this product is again, is restricted. Pesticide is highly toxic to fish. Do not apply directly to water areas where surface water is present or inter-tidal zone areas below mean high water mark. Noted, drifted runoff of treated sites may be hazardous to fish in adjacent waters.

In fairness to this incident, the failure to have the actual sample and run a fingerprint analysis as to whether or not this was the compound. The Director of the Laboratory did testify they he cannot state with certainty that this was Scourge that was the cause of this kill in the fish and shrimp sample. You may hear from Mr. Ninivaggi and there was a statement made to the CEQ, Council on Environmental Quality that's considering the SEQRA



process that Scourge was --or the Vector Control was exonerated from the fish kill. That's absolutely unequivocally incorrect. Again, the glass is half empty or half full. We do not -- the lab did not prove with certainty, the absolute certainty that this was their product. There was no exoneration as to the incident.

I offer further to you, the DEC did take enforcement action on this incident. Vector Control has been cited. A notice of violation that I will provide and again, they speak to the fact that this product entered surface waters and what they hold up, they are not holding up the data that was produced from the Long Island Analytical Laboratories but rather data that was produced from the US Geological Survey. They did some water testing about a mile away, not in the exact proximity to this incident and they did show levels of piperonyl butoxide present. You will probably hear that it was in parts per trillion. This concentration over time with flushing with water are going to dilute themselves. So again, I put that into proper context. We're not talking about the analysis being done at the site. But they did hold that up as supported evidence that in fact Scourge was in the water column.

**CHAIRPERSON FIELDS:**

What was the actual Notice of Violation? What did they cite Vector Control for?

**MR. McALLISTER:**

Failure to -- the way I understand it, it's failure to adhere to the labeling of the product. Pesticide is highly toxic to fish. The label that I read to you, do not apply directly to water or areas where surface waters are present, so --

**CHAIRPERSON FIELDS:**

And so how would they have failed to follow the labeling?

**MR. McALLISTER:**

Well, I think they failed in two fold. They didn't get prior approval. This is a restricted use product, so they have to have the authorization of -- in this case, a delegation from EPA down to a State Fish and Wildlife Service. In our case, the DEC. They have to have prior approval to use this product in and around water bodies. They fail to do that and then obviously, they have been documented here to actually have that product in the water column. Again, using and they cite the USGS Survey Data that supports the fact that piperonyl butoxide; a component of Scourge was present.

**CHAIRPERSON FIELDS:**

Thank you.

**MR. McALLISTER:**

Did I answer your question?

**CHAIRPERSON FIELDS:**

Yes. You're going to provide that to me?

**MR. McALLISTER:**

Oh yes, absolutely. I'd like to speak to the need for an environmental impact statement. And again, I'm presenting to you some information, factual information, some speculative information, anecdotal information from baymen saying they believe these pesticides are impacting their livelihoods with respect to crab kills, other resources. The facts speak for themselves with the NOV pesticide profiles, the fish kill. In October of 2000, New York State DEC did a -- from Division Fish Wildlife Marine Resources did a kind of a composite paper on Vector Control activities, not specific to Suffolk County. But they do speak regulatory use requirements. They talk to the toxicity of the products. At the end of this document, they speak to the regulatory applications. And I'd like to cite to you the Department of Health prepared a generic environmental impact statement from mosquito control programs eligible for State funding. A couple products. Let's see MSF that's Monomolecular Surface Film, Bacillus sphaericus Bti, Sumithrin, Permethrin, Resmethrin were not included. It goes on in subsequent and talk about review of Bti and MSF. The use of products containing Resmethrin, Sumithrin and Permethrin require an environmental impact statement. That's

an affirmative statement by DEC.

I've seen two other documents and unfortunately, I apologize, I cannot provide them to you today. There was a letter to another environmental organization Northfork Environmental Council reaffirming that statement that the use of these Adulticides need to undergo environmental review, through that form.

**LEGISLATOR FOLEY:**

Your contention that there has not been a thorough enough EIS review of these pesticides?

**MR. McALLISTER:**

Yes, in fact, I have obtained the draft version. I believe that was 19 -- before 1982, was the draft environmental impact statement for Vector Control Programs. Again, not specific to Suffolk County's. It's dated. I haven't obtained the final version where it actually speaks to the findings. How they approve these programs. But many of the products that are in use today had not been reviewed through that EIS process. So we're talking about it -- outdated document at best and certainly, the rigor at which this program was reviewed in my professional opinion was not adequate.

**LEGISLATOR FOLEY:**

Just on that point if I may, Madam Chair? If we can go directly to the point again? So it's your contention that, in this case, the State Regulatory Process that's supposed to review maybe even the Federal, State and Federal Regulatory Process in this area, they have not adequately reviewed the program, as submitted by this particular municipality. But you're saying that it could also be true of other municipalities as well?

**MR. McALLISTER:**

Yes, that's correct. And we'll provide this document to you, as well. Speaking very briefly now and this parallels other efforts, other review processes through the Council on Environmental Quality. Their charge is the SEQRA process. Okay, they are now hearing this program, the work plan, reviewing the work plan and also accepting comments on that work plan. There's a very pointed threshold and I'll try to recall the exact tense of it. With respect to it, if there may be a significant environmental impact, if they meet that threshold, there's a requirement for a positive declaration requiring an environmental impact statement. And as I understand it, the CEQ is -- will make after reviewing the issue, reviewing the work plan, we'll make a recommendation to the legislative body.

**LEGISLATOR FOLEY:**

Have you been told when they would be making this recommendation? Do you have an understanding when that may be?

**MR. McALLISTER:**

I attended a CEQ Meeting approximately two weeks ago. They are meeting again on December 12, at the previous -- the November Meeting, the subject was tabled until --

**LEGISLATOR FOLEY:**

Until the 12th?

**MR. McALLISTER:**

I believe, the next meeting, yes. So in the course of discussions, both CEQ would like -- they wanted to review the testimony at the previous fact finding hearings, as well as review some of the subsequent information that was submitted by myself and represented the Council.

**CHAIRPERSON FIELDS:**

Can I interrupt also? You spoke about the New York State process and the general permit and did you say that it's going to be re-reviewed or reviewed in 2002?

**MR. McALLISTER:**

That's for their physical activities out there in the tidal marshes. Basically, the water management activities, yes. In a recent communication with DEC Officials just a few days ago, they are presently waiting for that application to be submitted to their office for review.

**CHAIRPERSON FIELDS:**

Our application from Suffolk County?

**MR. McALLISTER:**

Yes, correct. Because that permit is expiring, I believe, January 2002, that covered grid-ditching activities, other alterations in the preceding years.

**CHAIRPERSON FIELDS:**

And how long did that permit last? Is it a one-year permit? A five-year permit?

**MR. McALLISTER:**

I can't say with certainty Ms. Fields but I believe it's on the order of probably ten years. It's a pretty lengthy permit. But maybe Mr. Ninivaggi could accurately speak to that.

**CHAIRPERSON FIELDS:**

Okay.

**MR. McALLISTER:**

It's not an annual or within a couple years. It's a --

**LEGISLATOR FOLEY:**

I think, if I may through the Chair? The point though is that if it's anywhere from a five to a ten year permit and you're telling us that the County personnel responsible for the submission of a new permit, waiting until the last month of the five or ten year cycle to submit a new plan to the State regulatory process. Is that not correct?

**MR. McALLISTER:**

I --

**LEGISLATOR FOLEY:**

If the end date of, let's say the old permit is January 2002 and it hasn't been submitted yet, quite frankly Madam Chair, I don't know how the State can have adequate time to fully review the contents of that particular application. Mr. Ninivaggi has got to be ready to respond to that point, as well as some others that have been made this morning.

**MR. McALLISTER:**

Very briefly, I'd like to speak to the submittal of the environmental assessment form. And again, there's specifically two questions on there that, you know relevant to obviously, my interest. And it speaks to the -- will the proposed action substantially affect non-threatening endangered species? There's an affirmation from the Division of Vector Control that no that won't be the case. I'm submitting to you today that, in fact, I strongly disagree with that assertion that the evidence that I'm bringing forward with respect to the August 12th, incident, the documented impacts, potential impacts from again, starts from the Universities speak loud and clear that the propensity for environmental impacts is there. They further go on to asking other questions concerning protected species. You know there will be other folks that can probably speak more factually to this but I do recall at the August 12th, I'm sorry the September hearings relating to that fish kill. There was testimony put into the record speaking about the Larvicides, the helicopter spraying Larvicides in and around tidal marshes, why a staff from the Nature Conservancy were conducting piping clover surveys, lease turn surveys. Those are protected species.

You know the thought that you're not threatening or impacting shore bird populations while they are undergoing again, an aerial spraying event that's just not factual. And again, you know the threshold at which the protection is there is heightened of course. So the EAF is again, in my professional opinion, just not factual speaking to the true impacts of this.



Again, I submit to you that the threshold for finding -- making a positive declaration is such that, you know the support of information certainly warrants comprehensive EIS. This program has been in operation for a number of years. Quite frankly, the evolution of the use of the pesticides and some of the practices, you know really discard good scientists out there. And I'm talking about the mechanical grid ditching that's going on. When it comes to the use of the pesticides and those specific products, they have not undergone the review process necessary to put them into play.

**CHAIRPERSON FIELDS:**

Can I ask you a question on page -- is that page number? Yes 670 of the, I guess this is the environmental assessment portion of it? Let me see. Yes, it's the environmental assessment form. And I guess it would be page 5 of that but it's on the right hand column. It's noted that it's 670. There's a question 4B, how far is project area from freshwater wetlands, tidal wetlands or surface waters and the answer is not applicable?

**MR. McALLISTER:**

Well, you'll have to draw your conclusion on that one. Obviously and I don't recall the actual work area but I mean, it's obviously significant. We're talking about all our tidal marshes in the perimeter of the estuarine waters, as well as obviously, freshwater in upland areas. You know it's -- quite frankly, as a whole, it's all of Suffolk County. And you know to say we're not in close proximity to surface waters or wetlands, you know, I don't know how you could answer that question in that fashion myself.

**CHAIRPERSON FIELDS:**

Okay, thank you.

**MR. McALLISTER:**

The last item I'd like to speak to you and this is really looking and making a diligent effort to look at all alternative uses, for alternative products out there. You'll have to confirm whether or not this resolution was introduced by Legislator Cooper back in April 18, 2000. It was signed off by our County Executive, Mr. Gaffney and it talks to the need, it directs Vector Control to look at alternative products, review of those alternative products to prepare -- to perform some pilot studies looking at alternatives, as well as ultimately preparing a report on these technologies and the findings and conclusions. And this was to be submitted, let's see, the Department of Public Works shall submit a written report by October 1, 2001 and I just bring that to your attention. I would like very much to see that report.

I will give you my personal editorial. I really feel strongly that Vector Control is not looking at alternative products. You know we have the standard fare with what's being used. I'll throw one out specifically and that's garlic products and I understand it's either the City of Stratford or Stanford, Connecticut. That municipality has put this into use through fogging and I believe in aerial spraying on their parklands, golf courses, recreational areas and the early information is showing the effectiveness of that. So we have to start thinking outside of the box and you know further with respect to this, this resolution it speaks to the use of our discontinuation of pesticides on County properties. I shared with you the fact that remnants of DDT are still showing up in the environment, the potential impact and impacts, factual impacts to the present day pesticides.

In 1972, the United States banned the use of DDT in this country and if I'm correct, Suffolk County led the way. In fact, I believe several years prior actually banned the use of this product. We recognize the impacts of the pesticides. We're recognizing the effects on our drinking water, on our natural resources. And I ask this County to once again, lead the way in this effort and at minimum, at minimal, we've got to ask if this whole program from the mechanical end of things or the physical end of things to the chemical applications, undergo rigorous review through a form of environmental impact statement before we proceed down a path that potentially is quite damaging.

And one last point, this is not just about the birds and the bees and the fish and I share this with my opening statement, as to what my mission is and that's to protect the environmental, as well as economic health of our bays. And you know there's a lot of things

happening out there that we haven't gotten a good grasp of scientifically. But you know one thing, I think we can say anecdotally, with certainty, is we are seeing a diminished resources, bay resources, you know there's a great documentary produced recently about the South Shore Baymen. You know those numbers have dwindled. The Peconics have dwindled. You know this is part of our bay heritage, our livelihoods as Long Islanders. We are connected intrinsically connected to our waters and to see that economic resource disappear and to see our heritage disappear, it's inexcusable and unacceptable when we can do better. And I just ask of you, please let us do better. Thank you very much.

**CHAIRPERSON FIELDS:**

A couple questions? Legislator Postal.

**LEGISLATOR POSTAL:**

I'd like to thank you. I think for me, I can tell you I thought that was an excellent and very comprehensive testimony. I have a question. With regard to in the EIS, at the last meeting of the Health Committee when there was testimony on the work plan, Mr. Ninivaggi indicated that there were very rigid time constraints. Could you address the issue of an environmental impact statement, the requirement for an environmental impact statement, in terms of time and what impact you would foresee that having on a Vector Control Plan? For example --

**MR. McALLISTER:**

No, I understand the question, Legislator. You know this is probably a cycle. You know and it's unfortunate but we end up at the end of the year undergoing the review process through this committee ultimately, the broader body, as well as a more recently and quite appropriately the CEQ. In the EIS, depending on where, you know who facilitates that? And my recommendation that it would be done outside through an environmental consulting firm, which obviously would have the ability and probably the focus to deliver an EIS on a much tighter timeframe and more comprehensively. And we can also actually use some elements of the existing EIS that perhaps cover some of the work. Quite frankly, I can't speak to the extent of it but I can only speak of the need. And the idea of having another free pass because oh, this is going to impact Vector Control's ability to engage in their activities, quite frankly, it's not good enough. We have to do better and I ask that you recognize that need. You know I would have hoped that he would have recognized the Division would have recognized the need going back a year or two ago when quite frankly, there was some concern about this. There's been no effort on that front to deliver an EIS, either from the County itself or through contractual services. It's appropriate. It's needed and you know, the budgetary impact, the ability to proceed with some of these activities as defined in the -- or outlined in the Vector Control annual work plan. I don't know what to say about that but the time is now, I can tell you with certainty.

**LEGISLATOR POSTAL:**

Could you, I don't know if you can but could you just give us your thoughts on activities or part of a work plan that could be initiated prior to completion of an EIS and when -- let's assume that an EIS took a certain number of months. When, in your opinion, would there need to be steps started that could not be initiated prior to the completion of the EIS?

**MR. McALLISTER:**

In the context again and the work plan that we talk about some of the biological controls and the water management activities and I've been -- you know obviously, I'll share it again. I've been a very vocal critic that we're not doing enough with respect to the open marsh water management. The actual control and introduction to some of the predator fish is that would control larval stages and mosquito and early hatching mosquito populations. There's been no -- that has not been a priority and that's one element that -- I mean, there's thousands of acres of tidal marshes out there that would be an effective means of moving forward on. Perhaps the one larval side or one or two larval sides that I spoke of could be included in that process. I don't know how that affects the overall EIS; I'm not being clear on my answer there.

You know when you're asking for an EIS, it has to be comprehensive and to assume that you

can just, you know pick and choose the elements of the program that you'd like to employ. I don't know if that's legally possible. But certainly, I think, you know from a reasonable standpoint, perhaps the -- are more practices, as well as maybe the larval activities. And here's another shortcoming, is just public education. We're not educating the public as to what actions they can take on their own properties; their own backyards to further insure their public health, their health.

**LEGISLATOR POSTAL:**

Just one last question. With regard to some of the actions that can be taken, biological controls and some of the other parts of a work plan. Are we talking about something that, for example, must be done before April? Or must be done before May? Or it must be done before -- that's really what I'm trying to learn. Whether if an EIS were prepared and it was not complete until, I don't know what, March let's say. Would it have a dramatic impact on our ability to control the mosquito population or would that be really kind of irrelevant? Could you still take action thereafter?

**MR. McALLISTER:**

I suggested you know on the top of my head a couple of recommendations, a couple of elements about a plan that I think can be employed in the immediacy. Obviously, when you're starting to engage in the actual spraying of Larvicides or the Adulticides, you know that calls into question the EIS. And forgive me, I'm not answering the question concisely. I don't know what the ability is. I believe there are elements and perhaps we should again, look at alternative products, think outside of the box, which has been asked of this division going back a year ago. And you know we should have been making preparations where there would be uninterrupted continuation in some of the efforts.

**LEGISLATOR POSTAL:**

Unfortunately, this isn't a panel format. So that I know that Mr. Ninivaggi is going to be asked a great many questions.

**MR. McALLISTER:**

Um-um.

**LEGISLATOR POSTAL:**

And I know that probably some of his comments will involve a timeframe for a plan. And I would just ask for myself if -- because I know you're going to stay. If you could, I guess research the issue that I'm asking about, in terms of a timeframe further? And just comment to me and other members of the committee who may also be interested, with regard to that question of timeline? And based on Mr. Ninivaggi's comments, if you have comments based on the timeline he lays out? That would be very helpful.

**MR. McALLISTER:**

I certainly will.

**LEGISLATOR FOLEY:**

Thank you. I'd like to echo Legislator Postal's gratitude and thanks to you Kevin, for being here today. We'll just wait until the -- okay, okay --

**MR. McALLISTER:**

They're not in order but --

**LEGISLATOR FOLEY:**

We'll just wait until -- very good, okay. We'll make copies of that. Again, thank you for being here today, in keeping with your title as Baykeeper to make us aware of some of the other relevant issues concerning the Vector Control Plan. Part of the documentation that you submitted to the committee --

**MR. McALLISTER:**

Those are for you. I retain copies so --

**LEGISLATOR FOLEY:**

Part of the documentation that you submitted to the committee and you mentioned earlier Kevin, was recommendations by different organizations concerning the need to move away from ditch digging and to find other methods of controlling mosquitoes at the larval stage. Your documents that you submitted talks about what organizations those are and some of the information we can receive from them?

**MR. McALLISTER:**

I provided a cover sheet from the Peconic Estuary Comprehensive Conservation Management Plan and that's multi-partnership of basically all the agencies.

**LEGISLATOR FOLEY:**

We're going to be looking at that very carefully. Because one of the points that was raised last year, when we were reviewing a plan and had tabled it for several meetings, in order to elicit a response from the public on the plan, we were told that we couldn't delay the approval of the plan because the ditch digging was a very important function that took place in the wintertime because it didn't use pesticides or chemicals. In fact, there was an environmentally benign method of controlling mosquitoes and again, what we're hearing today from you and from some of your documentation that has been submitted that we need to move away from that to other methods of control. And one of the things that I'm struggling with is that when we hear from others that it is effective. And when we have particularly, Capital Budget requests to acquire or to buy ditch digging equipment, you know and we're told that it's necessary to be done, in order to control mosquitoes. It puts us in a position of, you know do we acquire that piece of machinery or not? And if we don't, does that cause stagnation within the tributary system? And as we all know, stagnation is what partly causes some of the problems with mosquito infestation. And that's just a random thought.

What I'd like you to answer because it's going to come up, it has in the past. And that is the environmental concerns are very important, economic concerns are very important. But many times, what we've heard is all this now is putting to the context of West Nile Virus. It's all put into the context. Since we are a Health Committee into addressing public health concerns to do our very best in preventing or at least mitigating the chances for a mosquito borne disease that could kill a person. And that while -- maybe it's not my words, I'll use others. What may be very nice that we need to look at the environmental, I'll say as important as it is to look at the environmental, as well as the economic issues involved that this work plan is devoted to protecting the public's health. And if you could answer that particular or respond to that particular charge?

**MR. McALLISTER:**

Yes and I believe the following speaker may speak to great length to that. As I understand it and you have to recognize this important point. By asking or mandating for an EIS, it does not supercede the ability of the Health Department to declare a public health concern and then, in fact, engage in the very activities that you're asking for an environmental review of. It, you know should there be a public health concern, bonafide public health concern and that's been determined by again, the Department of Health. They can issue the order to -- for the use of the Larvicides the use of the Adulticides. The other activities including in that annual work plan again, it doesn't supercede that ability and that's an important element.

So Ms. Postal, I know you asked some very good questions as to the impact EIS would have on the ability to go to work. Well, what always persists out there is the ability to say we've got a public health concern. We need to do this. We need to do it now and it doesn't restrict the ability of Vector Control to go to work. You know it -- and in fact, that's an important element because it puts it in proper context. Are we dealing with a public health concern? Or is this mission all about nuisance spraying and we're just going to make everybody's life a little more pleasant out on their back porch.

**LEGISLATOR FOLEY:**

As a final thought, through the Chair. Up to several years ago, the Vector Control Plan was not submitted to the Legislature even though it was supposed to be. And through the efforts of the Chair, the committee, Legislator Fields' resolution was drafted. Legislator Postal and I

were strong supporters of the resolution to require the department and the division to submit the plan to us at the end of the fall or early winter. I think what we need to do after hearing today's testimony Madam Chair and testimony at a prior meeting, is to -- and I'll be happy to sponsor it with other members of the committee to amend the law. So that we have work plans submitted to this committee either early in the fall, late summer. So that there can be plenty of time for a discussion, debate and amendment. Because what's happened of late, is we have our discussions now and we're told that we need to approve it post haste, in order to undertake a variety of things early next year. So I'll be submitting that resolution with the support of the committee, so that we can have this discussion earlier in the phase, so to speak. So that we can have plenty of time to make amendments. And also to give the department time enough to respond to the well-informed criticisms that we all should be open to.

**MR. McALLISTER:**

That's an excellent point and I just suggest that with the timing of this issue with review, don't let that affect and impact the right decision.

**CHAIRPERSON FIELDS:**

How do we clone you and get a South Shore Estuary Baykeeper?

**MR. McALLISTER:**

We're working on that.

**CHAIRPERSON FIELDS:**

Thank you very much.

**MR. McALLISTER:**

Thank you.

**CHAIRPERSON FIELDS:**

Your information is very valuable and extremely important and we appreciate you taking the time.

**LEGISLATOR FOLEY:**

In fact, I could guarantee Kevin that we could get the South Shore Baykeeper a Boat Slip right on Patchogue River with the help of some people.

**CHAIRPERSON FIELDS:**

Maybe we could put it on the Connetquot River.

**LEGISLATOR FOLEY:**

The Connetquot River. We can share that, okay?

**CHAIRPERSON FIELDS:**

Okay, thank you very much. Matthew Atkinson?

**MR. ATKINSON:**

Good morning.

**CHAIRPERSON FIELDS:**

Good morning.

**MR. ATKINSON:**

I am Matthew Atkinson and I'm General Counsel to the Baykeeper. I'm on the board. And as an attorney, I've worked in this area for a long time up in the River Keeper and I've been long concerned with this issues. And I'm here on a pro bono basis.

I previously submitted comments to the CEQ at the November Meeting concerning the



sufficiency of the EAF and those comments have been provided to you. Is that right, Kevin?

**MR. McALLISTER:**

That's correct.

**MR. ATKINSON:**

So I'll just summarize a couple of issues. And I'll respond to some of your questions, if I may, that you previously addressed to Kevin. My comments to the CEQ are essentially that the EAF had some technical problems. It's missing a section that made assertions, which were facially false. It doesn't address the critical environmental area. Nor does it address impacts on any life form whether protected or not. Where the means of controls are, you know declared to have adverse impacts on anthropoids, if no other creatures. So these facial problems make it very hard to make a determination.

CEQ tabled it partly on the basis that what are we reviewing here? And I believe this is somewhat fluid. As Legislator Fields pointed out, this question 4B is different from the one I have before me, which was the one reviewed at the 11/22 hearing. So I think that you're looking at an environmental application that's somewhat in process. Vector Control will make this clear. We requested new documents, whenever they appear. We have not received them.

**CHAIRPERSON FIELDS:**

I have to interrupt you because that would be very strange that we have one document and you have another. And I have to find out how that could happen and you know I guess that's a note that we might ask Dominick.

**MR. ATKINSON:**

What I have before me is what was before the CEQ. I'm not entirely sure it was before you.

**CHAIRPERSON FIELDS:**

Do you have a copy of what you've got?

**MR. ATKINSON:**

Yes.

**CHAIRPERSON FIELDS:**

A copy or just your original?

**MR. ATKINSON:**

Just my copy.

**CHAIRPERSON FIELDS:**

All right, I will get my Aide, as soon as she finishes making the other copies. We don't yet have what you have. Because she took it just from Kevin to get copies.

**MR. ATKINSON:**

I'm sorry?

**LEGISLATOR FOLEY:**

You need to refer to the EAF as you speak or can we take --?

**MR. ATKINSON:**

No.

**LEGISLATOR FOLEY:**

Okay. We'll make a copy of that. So we can just make sure we both have the same form or if that's an amended version of what we have in our --

**MR. ATKINSON:**

Well, the answer to 4B on page 5 is not NA.

**LEGISLATOR FOLEY:**

Let's see, page 5. Let's take a look.

**CHAIRPERSON FIELDS:**

Can I ask you to go back on page 666 maybe on your plan? It has --

**MR. ATKINSON:**

It's 666. I have no 666.

**CHAIRPERSON FIELDS:**

Oh, you don't have that? Page one? Bottom of page one? At the bottom of the page, you'll see page 1 and it's got a date start 11/20 of -- oh no, that's not the date it had -- we don't know what date this was completed, do we? I mean, before we go further, we should all try to understand why you have one document that might have gone before CEQ and we have another. Mine is dated October 4, 2001 on page 8. Do you have that? Page 8?

**MR. ATKINSON:**

I have a page 8.

**CHAIRPERSON FIELDS:**

Dominick, I think has --

**MR. ATKINSON:**

My dated page is page 9, October 19th, 2001.

**CHAIRPERSON FIELDS:**

You have another date and we have one date, okay.

**MR. ATKINSON:**

I was afraid that might be the case.

**LEGISLATOR FOLEY:**

Just before you speak further? And we don't mean to interrupt you but it's the way the three of us do work here as the thought. Thoughts go back and forth here but again, what we find ourselves in a position of is to have an outdated document. And for a department not to submit to it, it's not for you to respond to it. But for the department not to submit an updated plan appended to the resolution when it's required by the department to submit all relevant information to this committee for review -- you know it's -- once again, it's -- you know I don't want to characterize it in strongly negative terms but you know, at least, at the least, it's a carelessness that bespeaks of a larger, either sense of indifference to this committee review. Or in fact, there are some basic and incompetent clerical work that has taken place here. So we need to have immediately and if Mr. Ninivaggi has the October 19th, amended form, to give it to us immediately, so we can make copies for today's committee meeting. Now is there a later reiteration from October 19th that we're not aware of? Is there a later October 19th, submittal? Okay. All right, so Madam Chair, if I may? When the staff comes back and we get Dominick's copy, so we have a more updated form? So we can have a more intelligent conversation on this evolving process. I'm sorry, go ahead.

**MR. ATKINSON:**

Thank you. Well, this is going to be amended again, because it's simply incomplete as it is statutorily.

**CHAIRPERSON FIELDS:**

His point is that we get the packet, you know from several weeks ago. And it's our job as Legislators to go through the packet before we come to the committee meeting, so that we are aware of what's going on. So if we're given the wrong documentation to go through and there's something updated, we should have been presented with that. So that's just what he

kind of said. Thank you.

**MR. ATKINSON:**

Well, what I'd want to do is reserve any remarks I might have on the EAF and work plan until I see the, you know, the next version, which I know, is in process, which we've just learned. So I'd like to address what I perceive as a general problem with this process. Essentially, Vector Control is providing a work plan in the EAF, which says I'll do whatever is legal. And if that's going to be okay, I'll go to those agencies I need to go to. And they will approve portions of my work whether it's the ditching or the aerial spraying of Adulticides or the placement of Larvicides, I should say. And this kind of a representation that what I'm going to -- therefore this will have no significant adverse environmental impact and you should make neg. dec. this. This statement is really just a statement that eviscerates the roll of the Suffolk County Legislature.

The Suffolk County Legislature is responsible for the implementation of this plan and it's essentially not being told what the plan is. The work plan will be presented to other agencies and so long as Vector Control follows the law, you shouldn't be concerned. Well, you can build huge buildings lawfully. They have no environmental impacts and it's the role of the agency that's considering that plan to consider these adverse environmental impacts. The value of this program to Suffolk County is what's supposed to be balanced against these adverse environmental impacts. And the plan would be modified according to what this Legislature deems is in the best interest of the people of Suffolk County. But to conceal from this Legislature what you are, in fact, the adverse environmental impacts is simply short circuiting the SEQRA process. It's resulting in the segmentation of the SEQRA process by having other agencies view discreet parts of the work. And the necessary result is a complete violation of both the spirit and letter of SEQRA review.

I would just like to address a couple of actual questions that you asked. You asked how the Scourge -- DEC alleged that the Scourge entered the water body. You know how did that happen? Is it because these trucks have a spray area of 300 feet, 100 feet on either side and it's driving within 20 to 40 feet of the water in certain spots? So it's designed to spray that far. It's a designed element of the treatment.

These other documents that raised the State's GEIS -- the State DOH has -- we've been trying to obtain these findings and this environmental impact statement has been represented as essentially, part of this process to the CEQ who has never seen it. To you, who might judge has never seen it. You can't just incorporate by reference and then not make it available. In fact, a {precursory} review of the materials we have shows that these materials identify many, many adverse environmental impacts. That doesn't mean there isn't decision-making that's appropriate but they identify them. To incorporate them into this process is simply to state that yes, there will be significant environmental impacts from this program, which are not going to be waived by this body, therefore, in clear violation of the law. A good example of that is the permitting process on the ditch digging.

My understanding is the DEC is treating this permit as a new application. This will, therefore, be at least an unlisted, probably a type 1 act. It's not a type 11 renewal process. They're going to have to submit a detailed plan. This is the plan that's being asked right now to be approved by the Suffolk County Legislature. You've never seen it. Those are all of my comments. I won't trouble you with anything more until I see what the current work plan is and whether it needs the statutory definitions. I think the environmental impacts are pretty clear that there will be some. We can't say there won't be. We can't say they're insignificant. We're affecting a valuable body of water both on the South Shore Estuarine and the Peconic Bay Estuarine systems and it's behooves this body and the public who cares about it to pay attention to what the work plan is and what those adverse impacts will be. Such that we can finally agree consensually on a plan that's in the interest of the Suffolk County people. Thank you.

**CHAIRPERSON FIELDS:**

Thank you very much and you have not troubled us. You have added to our knowledge or input. At least given us information, so that we can make somewhat educated decisions for

analysis. Does anyone else have any questions? Okay, I'm sure we would like to have further contact with you. So I will write down your name and address and phone number to keep for this committee. Thank you very much. Adrienne Esposito.

**MS. ESPOSITO:**

Good morning Legislators. My name is Adrienne Esposito. I'm representing Citizens Campaign for the Environment. I'm also here to testify on the Vector Control Plan for 2002. I won't be redundant. I won't restate some of the previous testimony that you heard but rather I just want to add a few brief details to them, for your consideration.

The first thing and I also did testify at the last Health Committee Hearing, so the first comment I want to make is a follow-up and that is that we want to see added to the Vector Control Plan, a method to protect our water bodies. You asked earlier this morning what was the notice of violation that was issued to the Vector Control Plan and in specific, I have a copy of that notice of violation. It cites Vector Control for being too close to water bodies. Forty-one feet in one case and twenty-one feet in the other case. The DEC requires a three hundred-foot buffer from water bodies. That's what the labeling requirement is unless a waiver is obtained. This waiver was not obtained. You might say well, why? Why so far from a water body? Well, science tells us that these chemicals, as was previously stated by Kevin McAllister, are highly toxic to fish.

I want to refer to you or refer you to a letter written by -- I'll get the documentation, the New York State Department of Conservation, which was written last year about this very topic. And it was submitted to you last year as well. It's authored by the Regional Manager from Marine Habitat Protection for the New York State DEC. In that letter, she states that the DEC investigated the potential effects of the residual levels of Anvil after spraying in Suffolk County. The information collected indicated a potential for adverse impacts on the shrimp populations in the associated estuarine waters. An analysis of the data collected during our Anvil application, indicated and I'm quoting now that a three hundred foot buffer area was probably not adequate to prevent drift from entering a water body at levels that may be toxic to salt water crustaceans. Okay, this is a New York State expert saying this. This letter was, you know submitted last year but I'm happy to resubmit it to you. This is my only copy, however, so if I could have --

**CHAIRPERSON FIELDS:**

She's going to make copies for us.

**MS. ESPOSITO:**

So what we're seeing is, you know -- notice of violation. They came too close to a water body. Mistakes happen. We're willing even to accept that. What we want to know is how those mistakes are going to be prevented in the future. What is the prevention mechanism in the future for the Year 2002, to protect our water bodies and our estuarine systems? We don't see any mechanism in the 2002 Vector Control Plan. What I asked for last time, was for a method to be put in that plan using GIS technology and GPA, which is global positioning technology, which the County does have to use that as part of the plan to protect water bodies. It's effective. It's easy. It works. You only have to, you know update it and implement it once and then you can use it every year. That's one of the things that we're asking for.

The second point I just want to make here is non-toxic control methods. As Kevin McAllister stated, we have requested these methods to be included in the Vector Control Plan. It says here that they will implement a non-toxic method quote "as time allows" unquote. It's not good enough, okay! All of the work, so far over the last two years from environmentalists we've said, let's use some non-toxic methods and yet we haven't done it yet. Our staff people have been in contact with the Stratford, Connecticut, Stratford's Department of Conservation. Jeff Ritts with the Stratford Department of Conservation has been using garlic barrier for mosquito control in that area. I'd like to tell you exactly and I'll quote in many instances what he says about this non-toxic product. Quote "garlic barrier has been fabulous" unquote. He finds it's extremely effective as a repellent. He discovered that after it's applied, mosquitoes do not return for a minimum of two weeks. He also feels and I'll

quote here quote "the mosquito population in the area dropped 85 percent for up to two weeks after spraying."

We also asked why do you think that this product has been, you know so effective? He said that the Connecticut Agricultural Experiment Station is conducting research on this very question and so far they have two theories. One theory is that the garlic can be creating a sulfite gas that inhibits the mosquitoes ability to detect carbon dioxide in that area, therefore, they can't find the humans to bite them and they go elsewhere. Another thing or another theory, I should say is that it becomes non-palatable to the mosquito because the garlic is in the area and the mosquitoes are nectar feeders, something a lot of people don't know and it caused them to stop feeding in the area where the garlic has been used. We also asked if he's observed any adverse environmental impacts from this particular product and he said no, not as of yet. That's what he launched in -- it's been fabulous. So we think if they can do it in Connecticut and have good results, we can do it in Suffolk and we could have good results.

**CHAIRPERSON FIELDS:**

Can I ask? Do you know how costly that is?

**MS. ESPOSITO:**

I do not know, however, I had a conversation with the President of the Company and he told me that he would be willing to give us some of it for free to do a pilot program. I don't have that in writing and I don't know if that's a legal contract, in that conversation that we had. But I would be happy to ask him on behalf of the County or the County can ask him but I think, you know there's that old saying we used to have growing up in Brooklyn and that is cheap is expensive. And you may pay more for product but if we're doing less health damage and less environmental damage, in the long run; it's cheaper anyway. But I can't answer your question directly, Legislator Fields.

**CHAIRPERSON FIELDS:**

Okay.

**MS. ESPOSITO:**

But I do know they would be willing to work with us on any cost questions. I'd like to say also that I don't think we should gloss over this issue of non-toxic alternatives. I mean, it's the win-win. If we want to have a Mosquito Control Program, then we better start looking for some methodologies that are going to not be impacting our fish and wildlife and our human health conditions. We can do that. Yes, I've always hear oh, we don't have the resources. We don't have the time. It's money but I think really what we lack is the political will to do that. We can find resources. We're going to have make the time and we're going to have to reallocate the money. But all of that can't happen unless we have the will coming from our Vector Control Department to do it. I'd like to request that it be mandated it in the Vector Control Plan for the 2002, to do some Pilot Programs, in specific, the garlic barrier. Is this going to be the answer to the problem? No, but it may be one more tool in the arsenal to be successful with this program.

Another comment, I want to talk about Dibrom and Naled. Last month when I was here, I expressed shock and dismay that this particular chemical would be included in the Vector Control Plan. We heard testimony from Dominick Ninivaggi saying the reason it's being included this year is that, you know, it would hardly be used but the reason it might be used is that it would be a little bit safer for fish and wildlife. The Baykeeper testified that that's not correct and what I'd like to do is I had handed out to all the members of the Health Committee a little two page report here, three pages actually, on the health effects of Naled and Dibrom. Again, Naled and Dibrom is highly toxic to birds. It's highly and moderately toxic to fish. Toxic to bees and it may be very toxic to aquatic invertebrate species. Not to mention, it is a member of the organic phosphates.

One of the studies here clearly states, the Child Leukemia Study that seven children with bone marrow disorders were observed at the Travis Air Force Base in Base Medical Center in California. Physicians believe that organophosphates pesticides caused the blood disorders in all cases. I don't see how this chemical is better. I don't see how it provides us an



advantage. I again, I requested last month and I'd like to re-request that if this chemical was ever considered using here in Suffolk County, there should be some mechanism for the Legislature, maybe it's the Health Committee or somebody should be in on the process, the decision making process. It makes me very nervous that there's no checks and balances to be using such a highly toxic organophosphate chemical that we don't use here. We haven't used here in years. So please, you know, consider some oversight and putting some oversight onto that particular issue there.

Another point for your interest on the EIS. I don't want to be redundant. So I'll just tell you one thing you haven't heard. To give you an example, Westchester County is doing an EIS on their mosquito control plan. They are actually up to the stage where the public input is going into it and starting it last month in November. So again, to speak to what Legislator Foley had said earlier about getting this process-started way earlier, they started their process earlier. They are now up to public input. I think the public input portion closes sometime in December and they're moving forward. So if they can do it, we can do it. I just want to point out; we wouldn't be the loners in that. They found it to be necessary. They found it to be prudent. Actually what they wanted to find out is its August use of Methoprene, which is a Larvicide. It was affecting the lobster population in the Long Island Sound. I think we should demonstrate a shared concern with that County and go forward with our EIS as well.

Finally, I want to just make one last comment and that is that we keep hearing for years, this Legislature has been hearing over and over again about health studies and about environmental effects of pesticides. And we, you know have done a lot in our County to make great strides in protection of the environment and protection of the public's health. But I think what we have is we have a Vector Control Department that doesn't have enough checks and balances. And that this plan should really be looked at more, I think, in the realm of what can we do to start reducing the pesticide use and having an overall comprehensive plan that protects public health but doesn't use chemical pesticides and rely on chemical pesticides to do that. Because we can't solve one problem by producing another problem. Thank you very much.

**CHAIRPERSON FIELDS:**

Thank you. Any questions? I'm going to just divert a slight bit and then I'm going to ask Dominick to come up but is Dan McGowan here? Mr. McGowan, if you can come up here and pick up one of the microphones? I'm sorry to keep you waiting but this is a --

**MR. McGOWAN:**

What we've been doing is considerably more important then what you've got to do with me.

**CHAIRPERSON FIELDS:**

Okay. Could you tell us a little bit about yourself? Apparently, what you are here for is to be a member of the Suffolk County Board of Health.

**MR. McGOWAN:**

That's correct. My name is Daniel McGowan.

**CHAIRPERSON FIELDS:**

Just speak close into the microphone. You can pick it up in your hand and sometimes it's more effective.

**MR. McGOWAN:**

My name is Daniel McGowan. I've lived in Suffolk County for approximately 20 years. I currently reside in Centerport. I'm President and Chief Operating Officer of Hip Health Plans of New York.

**CHAIRPERSON FIELDS:**

How do you think you could add to the board?

**MR. McGOWAN:**

Well, I have been active in public health for over 30 years. I've been a member of the American Public Health Association since 1972. I came to New York 20 years ago to run the Health Systems Agency for Nassau and Suffolk Counties. Since then, I've also been Executive Director of the Health Systems Agency of New York City. I've been Vice President of Long Island Jewish Medical Center for a number of years. I've also been Executive Director of Catholic Charities for the Diocese of Rockville Center and I've been President of Hip for the last five years.

**CHAIRPERSON FIELDS:**

Does anybody have any questions for Mr. McGowan? Could Legislator Haley come to the horseshoe? I'd like to make a motion to take this resolution out of order for approval? Will you be able to appear Mr. McGowan, at the December 18th, full Legislative Session?

**MR. McGOWAN:**

Yes.

**CHAIRPERSON FIELDS:**

So that the rest, if the rest of the Legislature would like to ask you further questions?

**MR. McGOWAN:**

That would be fine.

**CHAIRPERSON FIELDS:**

Okay, I'm going to make a motion to approve resolution number 2047.

**LEGISLATOR FOLEY:**

I'll second the motion to approve.

**CHAIRPERSON FIELDS:**

All in favor? Opposed? Approved.

**I.R. NO. 2047 (P) Appointing member of the Suffolk County Board of Health.  
(Daniel McGowan) (Presiding Officer Paul Tonna)**

**VOTE: 4-0-0-0 APPROVED**

**CHAIRPERSON FIELDS:**

Okay, thank you Mr. McGowan. I'm sorry to have kept you waiting.

**MR. McGOWAN:**

I'm sorry to interrupt the proceedings.

**CHAIRPERSON FIELDS:**

That's okay and we will see you on the 18th. Thank you. Okay Dominick, maybe if you could come up? And if the rest of the speakers will indulge us with some more patience; this is really an important situation that we really have to ask the proper questions and get what we feel are the proper answers. Or at least as many answers as we can get.

**MR. NINIVAGGI:**

Good morning.

**CHAIRPERSON FIELDS:**

Good morning, still.

**MR. NINIVAGGI:**

You've heard a lot of things to talk about this morning.

**CHAIRPERSON FIELDS:**

May I just ask Dominick, what's your background?

**MR. NINIVAGGI:**

I have a Bachelors in Biology and a Masters Degree in the Marine and Environmental Sciences. And I've been working on mosquito issues, since about 1986, when I was working at the DEC prior to coming to Vector Control in 1994.

**CHAIRPERSON FIELDS:**

Okay, I'm sorry to interrupt but I just wanted to have that on the record.

**MR. NINIVAGGI:**

I think that we should go over some of the issues that have been raised here. I think maybe one of the first things to go over with is the water management issue. And as Legislator Foley knows from my previous life at DEC, water management and open marsh water management are things that are near and dear to my heart and something that is -- something I would very much like to see implemented on as wide a scale as possible in Suffolk County.

In terms of salt marsh water management, which is most of our water management, we basically proceed on two tracks. The marshes in Suffolk County were ditched back in the 1930's, for better or worse and in some cases for the worst. I think we can all agree on that, however, I think that simply neglecting those ditches and allowing nature to take its course is very often not the best thing to do. Because as those ditches deteriorate and fill in, you can actually make mosquito breeding much worse. And then you find yourself with an increased demand or need for the use of pesticides, both for larval control and for adult control.

It's very common for us to find an area that's not normally a problem for us pop on one year as a problem and it will turn out that the ditches in the area have clogged up. We'll go out the following winter, clean them out basically, to what they originally were and the following year, we have little, if any mosquito problem. So while one year we're having to treat an area repeatedly after we clear out the ditches, we don't have to do that anymore, which I think is to the good. However, we recognize in the long term, these ditch systems should be transition whenever we can to some of the newer techniques. Such as open marsh water management, which we believe are environmentally superior and often superior from a mosquito control point of view.

Open marsh water management has been used in New Jersey since the 1970's. It's very actively used in other Northeast States. One of the things that I've tried to do as superintendent is to promote the use of this technique whenever possible. One of the things that we've done is acquired the equipment to do this and however, we are not the only player as Legislator Fields, I think probably knows better than anyone having participated in some of the inter-agency discussions. Before an open marsh water management project can be done, it's not simply a matter of us at Vector Control, the State DEC is involved, Fish and Wildlife Service is involved. In the last year or so, the State Department of State is involved. All these agencies have their viewpoints and missions, which are sometimes slightly different. We also work with Ducks Unlimited, a private conservation organization and in order to get a project done, all these agencies have to kind of work together and concur and go out and do the plan. Often there's biological monitoring involved, biological assessments. So I would like to see the process move faster frankly.

I think that we know enough about the technique that we could move more quickly than we do and we could make it more of a standardized routine process. I certainly have to respect the opinions of all our partners and other agencies in this who might feel that they want to go more slowly and for instance, do more monitoring, more survey work. But nonetheless, we certainly stand ready to continue to do this. We've worked on about two thousand acres of open marsh water management. We're ready and willing to do more of this.

**CHAIRPERSON FIELDS:**

Dominick, I have to interrupt and just make a comment about that. As you know, I went up to Albany and spoke to the Department of State and I spoke to DEC here in Region One. I spoke to you. I spoke to all of the players. And the biggest problem that we had was that not everybody could sit and play in the same sandbox and there was a question of control and ego and as you all know, a lot of problems. So I convened meetings to have everyone meet at the same table and try to work out the differences. And what we established was subcommittees and that's what you're talking about as monitoring and all of the different assessments. Although I understand what you're saying about moving more rapidly, that process was the perfect process. Because everyone had the ability to put in what it was that they needed to feel comfortable with.

One of the biggest problems that we have is that DEC is not comfortable with Vector Control and that's a blatant fact. And one of the reasons that they're not comfortable is because they feel that you can sometimes do things that they're not completely comfortable with. So if we can sit in the same sandbox and go along with all of those assessments and say okay, well before you do this, we'd like you to do that. And we'd like to know what it is that you're going to do and you do it, then I think we'd have less resistance. And I think that the process worked so well that, I believe we got some additional permits to be able to do some of the Long Island initiative work. And so what I think everybody here has the same song that they're singing, is that we need to have more information, more cooperation and less resistance. And so, I think one of the biggest problems that we're seeing is the indication that we're not getting all of the information and that we're not even, you know it's not -- at some point, it's not even respectful.

You know, we're asked to respond to something that we're given and it's not even the up to date information and for whatever that's worth, you know, I would like to ask that from this point forward and I've talked about it for two years that we have a renewed relationship of cooperation. That if we ask for something, we can get it and for instance, last -- two weeks ago, I said to you, what was the nature of the violation and you responded labeling. I think the whole committee and anyone listening felt oh, well maybe the label, you didn't know the up to date, who knows? But my thought was a lot different then what your response was.

Had you been more forthcoming, I probably would have asked you another couple of questions but it seemed to satisfy me by your response and I don't know that it was really -- I think a lot of the responses and what I'm seeing here in this assessment form is that they are very generic. And I think that in this particular plan, for the work that you do, it can't be generic and it has to be more stringent. And although the process takes longer, then it's got to get done, just so that we can prove to DEC and the Department of State and Fish and Wildlife, anybody asking that we're doing the right thing and that we've dotted all our T's and we've dotted all our I's and crossed all our T's. So, I just out of frustration had to say that.

**MR. NINIVAGGI:**

Well, I think that we generally work very closely with the DEC. We don't agree on everything, which is to be expected. And I don't think either DEC or I really have a problem because we do have different -- as a matter of fact, we do have different -- and there are times when things like pesticide labels are frankly ambiguous and subject to different interpretations in different States by the EPA, by us and it is inevitable. And part of the process that we -- and sometimes have disagreements and we need to work them out. And we come to a consensus that we can work with but of course ultimately, they have the authority on all these wetlands and pesticide issues.

**LEGISLATOR FOLEY:**

As we speak -- but just on that very point? And it's happening in my committees in Public Works and it's happened in other committees, when we've spoken to knowing well meaning but competent administrators within County Government. That if there are goals that you'd like to achieve, you've mentioned earlier that you'd like to see an expansion of OMWM, which is very helpful for us to hear that you're on board to do that and in your view, you feel like you have been on board. Whereas, I have said at other committee meetings, I know that Legislator Postal has done the same, Legislator Fields that if there's a roadblock that's been put in front of you, whether that roadblock is by a County Agency, a Federal or State Agency,

but if there's a County Administrator, who has these regulatory roadblocks, in this case, a roadblock and your contention, it's been there for years. We need to know about it. We need to know about it much earlier in the process, so that we can then also speak to our counterparts whether on a State or Federal level, to say you know let's have the meeting of the minds here. It shouldn't have to take Legislator Fields through years worth of meetings in her District Office, in order to try to find common ground, so everyone can work with the DEC's Office, can work together.

Now maybe you have a protocol within your department that you had to bring these things to the attention of the Commissioner, perhaps that's the case. But maybe, not maybe, I would ask of you and I'll do the same when I speak to Commissioner Bartha at a later date -- but to mention to the Commissioner or whomever you need to that if there are these roadblocks and you're not getting any satisfaction, in order to move ahead particularly, in this very important method of controlling mosquitoes without using pesticides, that we need to be told about it. That's why we have this committee process. We have a committee process not just to point fingers. We have a committee process to try to help you do your job.

**MR. NINIVAGGI:**

Well I --

**LEGISLATOR FOLEY:**

And we can't help you do your job in a less -- in a more environmentally friendly fashion unless we're made aware, not just off the record but on the record, of those things that stand in your way to move forward with something that you've told us now that you fully support. So the fact of the matter is, we've known for some time that DEC has been uncomfortable because of some practices that your division is undertaking but we need to know this. I mean, we need to know this from you. We need to know this from other folks that are involved in this process. And if we're told at the end date, a month and a half before your current permit ends that doesn't help us to help you do your job.

**MR. NINIVAGGI:**

Well, I think whenever you're --

**LEGISLATOR FOLEY:**

And let me just finish with this too. I mean, speaking with people from Ducks Unlimited, I know for years they've been wanting to help. They have millions of dollars that they want to give to this effort and they've been stymied. And they're being gentlemen and gentlewomen there; they don't want to point fingers. But they've said there have been these roadblocks for years but when we have you or others come before us and again, I'm not trying to be critical of you but the fact is, we need to know what the roadblocks are. We need to know, for instance, if you need more personnel. If this is labor intensive. If so, then you know, we've got to be told, you know what you need to make these things happen. So if -- I'll just leave it at that. But please, if you have to go back to the Commissioner or whether he's given you enough latitude that you can tell us what the roadblocks are. And how we can be of help to have a more environmentally friendly way of combating mosquitoes that can still give you the latitude to address West Nile and other issues. Then let's get moving on that.

**MR. NINIVAGGI:**

Well, I'm not sure again, what I'm hearing here. Whether I'm being criticized for being too aggressive in pursuing, you know our agenda or not being aggressive enough. Because one of the things I've --

**LEGISLATOR FOLEY:**

It's not being aggressive or non-aggressive. It's making us aware; let me just say it one last time. Making us and the people in the Health Centers know what I'm talking about, making us aware of what roadblocks are in front of your path to have OMWM, a more effective tool within your division. I'll say that, as specifically for that purpose, okay!



**MR. NINIVAGGI:**

The only thing I would ask you is to just keep in mind is that one of the things that I've tried to do is to maintain as best I can your good relationships on the staff level. You're with the agency and it's all --

**LEGISLATOR FOLEY:**

That relationship should not be threatened. That relationship should not be threatened, if you speak to this committee about issues and if, in fact, that relationship is threatened or you think it's threatened, all the more reason to make us aware of it, so we can make our State counterparts aware that there's this threat, if you will. I tend to think that there is no threat there. Because again, when I've worked with -- when we, this committee has worked with the Health Centers and have worked with others within the Health Department, their State counterparts have not threatened them because they've made things aware -- made us aware of things that the State has been problematic about, okay! So I don't think you should be concerned that there's going to be a souring of your relationship with your State counterparts, if you make us aware of some difficulties with the State Officials.

**MR. NINIVAGGI:**

And also, I think, if you keep -- if we can all keep in mind is that, I think that I can't say that the concerns that the State has raised are necessarily not legitimate. I think that in a lot of ways, they're in some ways worst resource limitation than we are, in a sense that they don't necessarily have the staff to go out and look at these things the way we'd like to see them do that.

**CHAIRPERSON FIELDS:**

I think going through a year of meetings; there are a tremendous amount of problems, as you know, each meeting uncovered a further problem. But one of the problems, I think, is that we do want to move forward rapidly and I more than anyone want to see this initiative move forward. But I think one of the problems that DEC has is monitoring and making sure that whatever it is that we're doing is the right thing to do. And that may seem bureaucratic but it's also environmentally safe and as far as the health of the County is concerned, it's proper. So I think we have to accommodate that and perhaps some of the questions that DEC has, we could fulfill. You know, if they have a question about where we're going to be working perhaps aerial photos could be taken before we're going to do an effort and aerial photos can be taken post and that would -- if they don't have the manpower to go out and look at an area before we go into it, then you produce the picture that's worth a thousand words. And worth probably a lot of manpower.

**MR. NINIVAGGI:**

And we do that sort of work, particularly with our more routine activities but also that's one of the things that we often provide in these projects up to and including the main role in project design, such as the William Floyd Estate Project that you're aware of in the National Park Service Land. And the National Park Service, the last I heard was absolutely thrilled with the outcome of that project and I'd like to think it had a lot to do with our involvement in the design.

**CHAIRPERSON FIELDS:**

Well, wetland restoration, I think we all agree is something that we want to work on but again, I think my point is just that one of the problems that I've seen my whole life and it's in the private sector, as well as in government is when you have a lack of communication and people don't talk to each other, that's when the problems occur. And we need you to speak more to us to be forthcoming and so that we can have some kind of open communication, so that we can also speak to DEC. And I know that those meetings helped a lot when I was able to speak to them and get those meetings to flow and it did amount to a positive response. So again, I think we just have to go in that direction but I'm sorry that we interrupted you. Go ahead.

**MR. NINIVAGGI:**

All right, so with that, I think -- I would just like to address the need for maintaining the existing ditch system. Because that system is out there and if it's allowed to deteriorate, not only can you generate more mosquitoes but in some cases, environmentally, you know, problems can happen. For instance, if some of these culverts and such are clogging up, you can have flooding in the adjacent areas. So that's not a good thing to have happen. Also in some cases, our pipes and ditches provide the tidal flow for a wetland, so it's important for us to maintain them. So I think that we need to strike the proper balance and one of the things that we do is that if we are going to be maintaining ditch systems, you know, we do work with the DEC. We do have them come have a look at it. You know are you comfortable with this? Is this going to cause a problem? But it is a preferred method of control, because it is -- it's more or less permanent or at least it's long term and it does reduce problems at the source, which is something that we want.

As far as the application for the permit, I just wanted to make sure that you're aware that back in the early fall we were hoping to renew the permit. It turns out it needs to be re-issued. The permit paperwork, the application paperwork is in with the DEC about a week and a half, two weeks ago. One of the things that I've looked at is the possibility that the permit might not be in place at the end of January and I've discussed this with the DEC staff, relevant staff. And there are some maintenance type activities that do not require a permit because they're essentially maintenance, so we would be able to continue to operate to do that work. So you know, we are moving forward and we want to make sure that we can continue to move forward as an agency on this.

One of the things I've tried to do is what we're asking for under this new permit is really the same regime that we've been operating under for the last 10 years. We're not asking for any major changes to the way we've been operating for the last 10 years and that DEC has been comfortable with, in order to facilitate this. And again, what this general permit does is it basically allows for a class of activities, in terms of cleaning out ditches. And in some cases, environmentally, it's better to plug up a ditch for fish habitat but each individual -- all the individual work that would be done under the permit would still be subject to case by case review for the DEC. So the idea is to create a regime where we can work with DEC on all these maintenance small scale type projects and they can have a look at that; they're comfortable with it. If there's a -- they want to change it, we can work with them, yet still get approvals in a reasonable timeframe. Because if, for instance, very often we identify a mosquito problem in July and August when the mosquitoes are really breeding. And what we would like to do is to do the water management work to prevent that in the future before the following spring, say April to May. And of course, we want to work in the winter because that's when the vegetation is dormant and the breeding wildlife is gone. So we have a kind of a constrained timeframe between identifying a problem in the time that we have to rectify it. But I think that --

#### **CHAIRPERSON FIELDS:**

I think all the more reason why this new legislation or resolution that Legislator Foley is going to submit is going to be a much better process to have this program presented before the Legislature in a much earlier fashion. So that we don't wait until the last minute and have to approve something that's not correctly or environmentally safe.

#### **MR. NINIVAGGI:**

On the other hand, I think, we have to keep in mind that this is -- it's a general plan for the class of techniques that we're going to be using in the following year. Because we operate under the principles of integrated pest management, we are going to work -- we want to do our work where there are identified problems. And you don't know necessarily, for instance, I can't tell you which salt marshes are going to be breeding in 2002, now. So there needs to be a certain flexibility, I think in marsh areas.

#### **CHAIRPERSON FIELDS:**

But that can be indicated. You know, you can put in an addendum in and say that very fact, you know. But I don't think it precludes you from submitting the plan. And you know, I'm really concerned that I was looking at it and that you had NA after some of these very important questions.

**MR. NINIVAGGI:**

One of the -- let me just talk also about the version of the Environmental EAF that you have.

**CHAIRPERSON FIELDS:**

Legislator Postal would like to know about some ditching questions.

**LEGISLATOR POSTAL:**

I have some questions. Maybe I didn't understand. But in an article that you had written when you were with the DEC that was read to us earlier, or excerpts were read to us earlier, you seem to be saying some very negative things about grid ditching. Now, if I'm listening to what you're saying here, you were kind of wearing a different hat at that point. You were looking at it from this point of view and now you're looking at it from that point of view. But you also say that these -- regardless of that, the grid ditching existed. It was done a long time back and the ditches have deteriorated to a point where they have the potential to actually provide increased sites for mosquito breeding.

**MR. NINIVAGGI:**

That's correct.

**LEGISLATOR POSTAL:**

But I thought I heard you say that if you had your druthers, you would kind of restore them to the condition prior to the original digging of the grid ditches. If I heard you correctly?

**MR. NINIVAGGI:**

Well basically, what we're looking to do is under open marsh water management, is to restore the marsh as closely as we can to its original un-ditched condition.

**LEGISLATOR POSTAL:**

That's exactly --

**MR. NINIVAGGI:**

Minus the mosquitoes.

**LEGISLATOR POSTAL:**

Right.

**MR. NINIVAGGI:**

In a sense that the marshes were ditched because at the time that was shown to be a good method of controlling mosquito breeding and the ditches do reduce mosquito breeding. It's just that they have some unintended consequences.

**LEGISLATOR POSTAL:**

Other impacts. So I'm right. But if you had your druthers, in terms of the total ecological picture, you would restore those areas, which were ditched to their original state?

**MR. NINIVAGGI:**

Not necessarily for -- because you wouldn't necessarily want to just fill in all the old ditches.

**LEGISLATOR POSTAL:**

Oh no, I'm you know --

**MR. NINIVAGGI:**

But for instance --

**LEGISLATOR POSTAL:**

I don't know what methods you would use.

**MR. NINIVAGGI:**

We're plugging ditches providing fish habitats.

**CHAIRMAN FIELDS:**

That's what the wetland initiative or what the wetland restoration Long Island initiative is all about.

**LEGISLATOR POSTAL:**

Now, I guess what my question is, is in view of the fact that there is an initiative to do that, why would we continue -- and I understand what you said. But why would we not pursue, I guess, advancing that whole process rather than continuing to dig ditches because we're afraid that we're going to create pools in which mosquitoes can breed? I mean, why wouldn't we use the resources that we're using to dig out those ditches again to accelerate that restoration process?

**MR. NINIVAGGI:**

Well, to some extent, there are two different sets of resources. There's the physical capability to go out and do the work; you know the equipment, the manpower and so forth, which we have. And it's kind of similar equipment and manpower to do both kinds of techniques. But again, when you're going to the restoration open marsh water management, there's additional -- my heavy equipment operators can't really help me much on that because what we're looking for is biological surveys and things like that. So we do have a lot --

**CHAIRPERSON FIELDS:**

But that's what you have partners for and that's what they provide.

**MR. NINIVAGGI:**

And we are working with those partners to make those things happen.

**CHAIRPERSON FIELDS:**

On that note, the Islip Nature Center is one of the areas designated for this wetland restoration that we were able to work through for that year, correct?

**MR. NINIVAGGI:**

Um-um.

**CHAIRPERSON FIELDS:**

The other day, I understood that you had your equipment there ready to open up those ditches?

**MR. NINIVAGGI:**

And cleaning out the existing ditches does not, in any way, preclude on a later date going out and doing the restoration work.

**CHAIRPERSON FIELDS:**

Yes, it does.

**MR. NINIVAGGI:**

Because usually --

**CHAIRPERSON FIELDS:**

Because the point of wetland restoration is to look at the overall map and say well, this ditch needs to be plugged and this ditch needs to be plugged and this ditch needs to be open. So by you going in before that plan is enacted and opening all of them, it's almost like busy work. It's like saying let's open them all up and then we'll look at the -- you know, this is one of our -- the next things that we're going to work on in another three months and then we're going to be partners and Vector Control is going to go back and then plug them up.

**MR. NINIVAGGI:**

Well, they normally -- you need to clean them out before you plug them up because the ditches have to be deep enough, in order for fish to survive in them. If the fish --

**CHAIRPERSON FIELDS:**

But again --

**MR. NINIVAGGI:**

If the ditch is all clogged up and shallow, you can plug it up and the fish will die in there and not provide the wildlife for mosquito control.

**CHAIRPERSON FIELDS:**

No, I understand that the partners weren't happy with that and they didn't want that to happen and from what I understand it is not going to happen. You're not working on that area now?

**MR. NINIVAGGI:**

We haven't made a decision on that.

**CHAIRPERSON FIELDS:**

Okay but again, you know --

**MR. NINIVAGGI:**

We're not going to do anything that's going to preclude the future restoration project of the area.

**CHAIRPERSON FIELDS:**

Again, I just think it's another example of not communicating with the partners and perhaps finding that that might not have to be done to the extent that maybe you were going to go in and do it. Go ahead.

**MR. NINIVAGGI:**

So like I say, I hope that addresses some of the concerns on the Water Management Program. And again, I think that, you know it's well taken that we should proceed with the best technology and the best techniques available. But what I can say is that it's going to have to be phased in and I think that in some cases, the existing systems do need to be maintained because of the various benefits that they still do have. And again, we're not trying to change them, you know beyond the current ditches that are there now. So that would -- I think would address some of the water management issues.

You know we heard a lot of information and a lot of allegations about the pesticides we use. I looked at a -- I think the Larvicides, I think, we would all agree is the preferred technique that we want to use for mosquito control. We want to kill mosquitoes in their larval stage, in order to prevent them from flying into residential areas and biting people and transmitting disease. And then forcing us to have to treat the residential areas with Adulticides, which involves treating populated areas, so people can be exposed. And I think we would all agree that the Adulticides are a more broad-spectrum product. They are more likely to have environmental impacts and impacts on non-targets. I think that we've made a lot of progress in that over the years. And I think that sometimes we forget that when we see the snapshot of the way the program is now. For instance, if you look at the old environmental impact statements, they talk about the Methoxychlor and for Adulticides they are talking about Malathion, Dibrom. I believe Vectolex is in there.

Now, I suppose we can just say well, we don't have an EIS that covers Scourge or Anvil but we do have an EIS that covers Malathion, Dibrom and Vectolex. Does that mean that because they are covered by an EIS that we should use your Malathion, your Dibrom, Vectolex and the {Foxiclor}? I don't think that that is protecting the environment. I think that if anything, we have improved the environmental profile of the program, since those impact studies were done. Again, when I got to this program in 1994, we were finding ourselves having to conduct aerial Adulticiding basically, from the Robert Moses Bridge out to the Forge River. The entire coastline would be sprayed once off and twice a season for adult control in the residential areas because we weren't getting effective larval control.



In the intervening years, partly with the use of Methoprene, we have drastically reduced our need to treat residential areas with Adulticides and, in fact, in the last three years, while we have used aerial application in response to disease threats and we have not had to use aerial application in response to the so-called nuisance or pest threat. So I think that that's an environmental plus and it's, I think, a reduction of risk to human beings, as a result of pesticide application. So I think that I am very comfortable in defending our environmental record in that regard. I think that we should look at the realm of what's possible and what's doable and what we have accomplished rather than the realm of the ideal. We would certainly like to get as close to the ideal as possible but I think that a lot of progress has been made.

We continue, of course, to re-evaluate these things and to look at them. I think that we need to use the most up to date and accurate scientific information as possible. I got a copy of the Extoxmet Reference that Mr. McAllister referred to, for instance, for Scourge. And the version he had had a half, environmental half life of, I think 36 days, which was surprising to me because that's not the figure I always heard. He had an earlier version; the most recent version on the web had the half-life of 15 minutes, which is the figure that we've used. So I think up to date information is important. You know, I think it's also important to understand what we mean by toxic. There's a difference between a material being toxic and it being likely to have a significant impact because it all revolves around dose. For instance, Methoprene can kill crabs in parts per million levels but when you get to the field application, right after the application in the marsh, you are at part per billion levels. By the time any material, if it even gets to the open bay, you're at part per trillion levels. And while, I guess there's still some research being done, I don't know what kind of impacts that might be at those extremely minute levels. I think that does are important and I think that we also need to understand some of the ways the materials are used.

I heard it said that Adulticides are sprayed over tidal marshes and this is not true. We don't directly apply to tidal marshes, even though they are on the pesticide label. There might be some drift from adjacent areas but we actually -- we treat very limited areas. The issue as to how close we can get to a wetland or a water body for Adulticide treatments is an evolving discussion with the DEC. And over the years, we've had different guidance from them as to how close we can get to these areas and we're going to run into some -- we're going to have to come to some sort of meeting of the minds on this because mosquitoes are fundamentally creatures of wet areas and wetlands. And you tend to have the biggest mosquito problems adjacent to these areas. And you can have disease amplification in and adjacent to these areas and particularly, in the sense of the public health. If we're going to protect people from mosquito borne disease, we may have to control mosquitoes in and adjacent to wetland areas.

For instance, in 2001, we had our first verified clinical case of West Nile Virus in the Ronkonkoma area about a mile from my house and the case location of -- without being too precise for reasons of confidentiality was extremely close to a wetland area that we were not allowed to treat because of these set backs and restrictions. And we had a mosquito trap right adjacent to that wetland and we -- this is where we caught the most mosquitoes. This is where we had the most virus activity and we weren't able to control those mosquitoes.

**CHAIRPERSON FIELDS:**

Wait a minute, what kind of mosquitoes are we talking about?

**MR. NINIVAGGI:**

Excuse me?

**CHAIRPERSON FIELDS:**

What kind of mosquitoes are we talking about?

**MR. NINIVAGGI:**

We're talking about both the {culex} mosquitoes, the household type or swamp type mosquitoes. And that particular area has a cat tail type mosquito that is a more aggressive human biter than a household species. And that species, the human biting species was

found with West Nile Virus in that area and we consider that strongly suspect in this particular case. You'll never prove which mosquito gave somebody a disease but I think it's very cautionary. Well, the appeal process there's no -- I guess a formal appeal process. We'll certainly be having staff discussions with the DEC over this winter, in order to determine how we can futurity accomplish our missions. I'm sure that there will be some accommodation worked out because we each recognize that the other has to perform its obligations. I think that one of the issues --

**LEGISLATOR FOLEY:**

In other words, that same, to use the word I used earlier that same roadblock, try to resolve that issue this winter, so if, in fact, there is another outbreak? This is probably the area just north of County Road 16, correct?

**MR. NINIVAGGI:**

That's correct.

**LEGISLATOR FOLEY:**

Okay, so that if it occurs again, you're going to put in place a protocol that you can go directly to the DEC to either get approval or make them aware that there's this problem in that particular area and that you need to undertake certain steps in order to address it.

**MR. NINIVAGGI:**

And again, the opinions on this are subject to constant updating or change. In previous years, we had not -- when we did a ground application such as that, we did not have any kind of setback number from wetlands. And I was kind of taken off guard when we were told that we could not have a truck within three hundred feet of a wetland boundary. Previous restrictions involved open water areas but not wetland boundaries themselves. Because a wetland can often have no surface water in it and in general, in a public health situation. For instance, in the Year 2000, we were allowed to fly the helicopter directly over areas that were mapped as wetlands but were seasonally dry and that's kind of what I expected in 2001 and that's not the restrictions we were operating under. And I understand the DEC, if they feel they have new information, it's their obligation to sometimes impose new restrictions.

**LEGISLATOR FOLEY:**

Where do the restrictions stand now for the upcoming season? Is it three hundred feet? Is it forty-five feet?

**MR. NINIVAGGI:**

At this point, it's three hundred feet.

**LEGISLATOR FOLEY:**

So if you have a road, give me an example in Bluepoint? If you have a road that on one side has homes and the other sides straddles a wetlands system and you have -- can you spray that area by -- under the plan or is the DEC prohibiting you from doing so?

**MR. NINIVAGGI:**

Under the current restrictions, we can't be Adulticiding within three hundred feet of a wetland.

**CHAIRPERSON FIELDS:**

I'm a little confused on what you just said. You weren't aware that you were not allowed to spray up to three hundred feet? I mean, three hundred feet?

**MR. NINIVAGGI:**

Previously, we were not given that kind of numerical restriction on that.

**CHAIRPERSON FIELDS:**

How do you get that information?

**MR. NINIVAGGI:**

Well this -- when we presented the plan to them for responding to this West Nile Virus threat in the Ronkonkoma area, we gave them a map for proposed areas to treat and they came back with three hundred feet from the freshwater wetlands boundary. The previous case --

**CHAIRPERSON FIELDS:**

Is this before you sprayed it or after you sprayed?

**MR. NINIVAGGI:**

Before we sprayed, yes.

**CHAIRPERSON FIELDS:**

So then you were aware that you weren't allowed to spray.

**MR. NINIVAGGI:**

Yes.

**CHAIRPERSON FIELDS:**

So then --

**LEGISLATOR FOLEY:**

Does that restriction still hold true for tidal wetlands or only for freshwater wetlands, three hundred feet?

**MR. NINIVAGGI:**

Looking at what we've seen on this notice of violation, it looks like they're looking at three hundred -- hundred and fifty feet but that's something we need to resolve with them and --

**LEGISLATOR FOLEY:**

Fifty feet for tidal wetlands, as opposed to three hundred for freshwater? Is that what you're saying?

**MR. NINIVAGGI:**

To tell you the truth, I'm not a hundred percent clear on that. And when we did our applications late in the season, we did state three hundred feet from tidal wetlands and this is --

**LEGISLATOR FOLEY:**

Even after, whatever the final disposition was planned Madam Chair, I think Mr. Ninivaggi, we need to have you come to these committee meetings on a regular basis, just to keep us informed of what's going on. I know it takes time away from your field operations but -- so anything that's important enough that once a month, if not at most twice a month out of the calendar month, it will be important to have you here.

**CHAIRPERSON FIELDS:**

Let me just ask, I'm still not clear. You knew that it was up to three hundred feet, yet you sprayed either because you didn't know or I don't know, what was the reason?

**MR. NINIVAGGI:**

The treatment that we're talking about for the Flanders case was before we had this three hundred feet.

**CHAIRPERSON FIELDS:**

Okay but now again, does DEC send out a regular weekly update of what the perimeter is? Or did they send it in the beginning of the year and you didn't have an opportunity to see it? What happened here that you didn't know?

**MR. NINIVAGGI:**

Well, I think that the DEC sometimes changes its mind and I think that -- we certainly always keep them aware of what we're doing as part of our public notice process. They do get spray maps for when we are going to Adulcide.

**CHAIRPERSON FIELDS:**

You didn't answer my question. What I'm asking is DEC had to have made some kind of a determination of the amount of feet that you're allowed to go up to. And I would assume and you can correct me that they would have notified you that you cannot go beyond that allowance?

**MR. NINIVAGGI:**

No, we were not formally notified. And what happened in that particular case, when the issue arose of this fish kill, I guess it was a good month and a half later, DEC came to the office. They went over our records for that application and they made a determination because the vehicle is calibrated for a three hundred foot swath, in other words it puts out enough material to treat a swath three hundred feet wide that that means the swath is literally a hundred and fifty feet on each side of the truck, which of course is not exactly so. It's going to depend on wind and all those other things. I think in that particular case, I went over the applicator's notes and what I found was that he had gone through the area. There were several instances where he noted the presence of a pond and he shut off the machine, very appropriately. I wish he had shut off when he -- there's a road that went past the marina with a boat slip and the boat slip comes fairly close to the road. In hindsight, it would have been better if he had cut off the machine when he passed the boat-slip. I'm not sure whether he didn't see it.

**CHAIRPERSON FIELDS:**

Before they go out and do this operation, are they not looking at aerial photos or are they not looking at a map to know where they're going and when they're spraying?

**MR. NINIVAGGI:**

Generally, we go over in the office with the aerials or other maps and then we provide them with a street map for the actual applicator.

**CHAIRPERSON FIELDS:**

So prior to him going out, he should have been aware that that was there.

**MR. NINIVAGGI:**

All I can say is not every detail shows up as well as we can certainly -- we're certainly working on improved controls. I think that we're always trying to do the job better. And you know you have human beings working for you and you always try to remove that human element. One of the things that we have been working on is using the global positioning system in GIS on the trucks. I'm in contact with various vendors of these machines. It looks like we can retrofit our equipment for three to four thousand dollars a machine. This is something that I think is a worthwhile thing to do and when we get our -- when our budget reappears in January. I think there's a bit of caution on that though, in that the accuracy of this, even for the global positioning system is not always what you would like when you get down to that last hundred, fifty feet, hundred feet, hundred and fifty feet. So I'm not sure that we can necessarily make this system fool proof and that something will go off in the truck when it gets too close to a wetland. But I certainly think that we can look at ways of improving that and you know, using our existing systems.

**LEGISLATOR FOLEY:**

I think the best way without having to spend thousands of dollars when we have it here right in front of us. There's an aerial photograph of Peconic Dunes County Park that was submitted what -- was developed by the Planning Department and I'm sure that -- I'm sure you have communications with the Planning Department. We have given them millions of dollars over the years to come up with a GIS Program. And I'm sure -- I know for a fact that they've worked with other departments, the Health Department and the like. So if you need to have these aerials and give these aerials to the drivers, if you will, prior to going out and reviewing it, they would then have a -- you know, I would think an excellent understanding of what to expect when they go down a certain road.

**MR. NINIVAGGI:**

We work very closely with MIS on this.

**LEGISLATOR FOLEY:**

MIS and with Planning also?

**MR. NINIVAGGI:**

This is one of the things that we can do. I think that --

**LEGISLATOR FOLEY:**

Have you done it? I understand that this --

**MR. NINIVAGGI:**

We haven't done it yet, however, we are not going to be doing these Adulticide applications until June, the earliest. So one of the things that we're trying to do is make sure we have equipment there in place by that time but we're also -- one of the things that we'd like to turn our attention to is some of this long range planning, such as this plan of work issue, wetlands issues. Those are the things we work on this time of the year. So we're putting together in place the software, the computers, all those things.

**LEGISLATOR FOLEY:**

Even absent some of the more high tech approach. I mean, it's as easy as calling Tom Isles over at the Planning Department saying you need to have some aerial photographs in this certain area. Can you develop those and give them to my staff or give them to you, so you can give them to us. You don't need global positioning technology, you have the -- it's really the information that you need. And the information is already at the fingertips of another County Department.

**MR. NINIVAGGI:**

And most of this information we already have in-house so --

**LEGISLATOR FOLEY:**

Well but you just -- you mentioned to me Dominick and I don't mean to be argumentative but you mentioned that you haven't accessed these photographs for your driver, I'll call them drivers, for your applicators in the past. Even though the Planning Department has had this ability for more than a decade. So again, we get accused of micromanaging but we find ourselves in a position to have to say these things. But I would recommend that instead of spending thousands of dollars on some high tech global positioning equipment, that before you go down that route, first let's work with what we have.

**MR. NINIVAGGI:**

Well the global --

**LEGISLATOR FOLEY:**

Let me finish. And what we have is a mention of all these photographs, aerial photographs that your staff can use to see what they should expect when they go down certain roads.

**MR. NINIVAGGI:**

We can certainly do that.

**LEGISLATOR FOLEY:**

I would try that first.

**MR. NINIVAGGI:**

Well --

**LEGISLATOR FOLEY:**

And then if you feel that it still has too much of the human equation into it, well then a determination can be made whether you're going to be spending tens of thousands of dollars for this global positioning information.



**MR. NINIVAGGI:**

Well global, the GPS, GIS, you know has other applications, such as automating our record keeping. Keeping better track of exactly where the vehicles go. For instance, it would provide a record that we can go back exactly where was the truck when the spray was on and off? This is all very useful.

**CHAIRPERSON FIELDS:**

I think we would just feel more comfortable if you utilized every technology that you can and one of them, I think, is you know I mentioned before a picture is worth a thousand words. And we've used that in those meetings over the last year, the GIS and they keep updating them. And then they are a wonderful tool that, I think. We can't use the old method of just letting someone get in a truck and go, you know with whatever we can use. I think we have to do that.

**LEGISLATOR FOLEY:**

Let me ask it more directly? Will you utilize for this coming season the photographs; the aerial photographs that the Planning Department can make available to you?

**MR. NINIVAGGI:**

Yes, certainly.

**LEGISLATOR FOLEY:**

Pardon?

**MR. NINIVAGGI:**

Certainly, there's no reason not to.

**LEGISLATOR FOLEY:**

So you will be using them and have you used them before?

**MR. NINIVAGGI:**

We have generally not given them actually to the driver in the field but we have --

**LEGISLATOR FOLEY:**

Okay but we have to leave it you to decide how to best use them. But my own druthers, I would say that these photographs could be used directly by the drivers after consultation with all the members of your staff. And what we hear today Madam Chair, is that your division will be utilizing these aerals more comprehensively then you've had to use in the past.

**MR. NINIVAGGI:**

I think another thing that we --

**LEGISLATOR FOLEY:**

Is that not correct?

**MR. NINIVAGGI:**

That's correct.

**LEGISLATOR FOLEY:**

Okay.

**MR. NINIVAGGI:**

The other thing, there are other GIS tools that are also used in that. Another thing that I've started this year is having two people in the truck instead of one, so that we've got one person who can just look at the record keeping and maps and such, which again, is a change from the past. It's a bit more expensive but I think it's worthwhile. So again, we're always looking for ways to do the job better and no matter how well we do it, I'm sure that there will

continue to be ways that we can do it better.

One of the things that I do is keep track of what's going on in other jurisdictions, such as New England, New Jersey, even on a nationwide scale. I just returned from a meeting in Massachusetts and one of the things I came back with was a review of a Methoprene that was done by the Massachusetts Pesticide Board. And they looked at many of the issues that were raised in terms of potential impacts of Methoprene and this is available on their Web site. And I'll be making this available to CEQ and they've come to the same conclusions that EPA has come to is that significant impacts on crustaceans are extremely unlikely. And since the word lobster was brought up and Methoprene, I think, we need to clear the air on this is that, you know, we can debate whether some of the West Nile pesticides used in 1999, might have been involved in the lobster kill. And I think it will come out that the amounts used and the exposure route wasn't there. But one thing about Methoprene in 1999, New York City was not using it. Westchester was not using it, northern Nassau County. The material was not there. There might have been some -- out in coastal Connecticut. The material wasn't there when the lobsters were dying.

Now we can argue over whether there might -- the future use might have some kind of impact but in terms of Methoprene killing off the lobsters in 1999, if it wasn't there, I don't see how that could have happened. And I think that this is something we should always -- because we're constantly hearing this and I think that we should be aware of what's going on there.

**LEGISLATOR FOLEY:**

On that point, if we can move to the South Shore for a moment and Mr. McAllister had mentioned in Bellport Bay in 2000, the blue claw crab die off. Do you have any information about that or through your discussions with either State, County or Federal folks?

**MR. NINIVAGGI:**

My understanding --

**LEGISLATOR FOLEY:**

What kind of investigation took place on that and what --?

**MR. NINIVAGGI:**

My understanding at the time --

**LEGISLATOR FOLEY:**

The results --

**MR. NINIVAGGI:**

For instance, a group called Fish Unlimited held a press conference while they were collecting dead crabs for analysis. I would imagine if any of those crabs came up positive for our pesticides that we'd know about it by now.

**LEGISLATOR FOLEY:**

Yes but if there's that kind of dialog, as there was with lobsters on the North Shore, which caused a whole review process? What was the institutional bureaucratic review process that took place last year, two summers ago, when there was this die of blue crabs in Bellport Bay?

**MR. NINIVAGGI:**

My understanding is that the DEC didn't respond to that and did some sampling and they weren't able to find anything, which --

**CHAIRMAN FOLEY:**

Which your department wasn't -- your division wasn't contacted at all? Was there any inferences made about any spraying in the area just prior to?

**MR. NINIVAGGI:**

Yes, they asked us what kind of treatments we had done in the area and of course, we

provided them that information.

**CHAIRMAN FOLEY:**

Okay and what information did you provide? Was it days before the die off that you had applied any pesticides in the area?

**MR. NINIVAGGI:**

I don't believe that it was anything directly before. And again, most of the time on the South Shore in the evening, winds are from the Southwest, which would tend to blow the material away from the bay.

**LEGISLATOR FOLEY:**

Well, you would be applying that only in the evening. You're applying in the early mornings too?

**MR. NINIVAGGI:**

Normally, we apply in the evening.

**LEGISLATOR FOLEY:**

Living on the South Shore I've seen helicopters early in the morning too.

**MR. NINIVAGGI:**

Okay that's Larviciding. At the time, the concern was Adulticiding. We do Larviciding, of course, on the South Shore and you're correct, we do that mostly in the morning to try to take advantage of low winds.

**LEGISLATOR FOLEY:**

Well, back on Bellport Bay, was there any -- the information that you provided to the DEC, did it mention that you did any work in that area just prior to the crab die off?

**MR. NINIVAGGI:**

They had no concerns about the Larviciding at that time.

**CHAIRPERSON FIELDS:**

When did you Adulticide before that die off?

**MR. NINIVAGGI:**

I don't have that information in front of me.

**LEGISLATOR FOLEY:**

If you could do this for the second time and I know there's others that have been waiting very patiently. Dominick, if you could? Whatever you have in the file on that die off in the Bellport Bay, I'd like for the members of the committee would like a copy. But I certainly would like a copy, both of your information, as well as we'll contact, perhaps through the Chair, the DEC about it too.

**CHAIRPERSON FIELDS:**

You could provide it to the whole committee.

**MR. NINIVAGGI:**

I have to find out things like what dates.

**LEGISLATOR FOLEY:**

That's all right. I don't need it tomorrow but it would be important just to have that.

**CHAIRPERSON FIELDS:**

In the interest of time, it's 12:30, I think, unless you have something that's crucial to this committee, maybe we could ask you a couple of questions?

**MR. NINIVAGGI:**

Well, there's one more thing. I did want to go into here, is this issue of this Flanders fish kill. Number one, one of the key facts is that whatever happened, happened a good four days after we Adulticided. And as I pointed out, the half-life for this material in sunlight is about fifteen minutes. In addition, at the --

**CHAIRPERSON FIELDS:**

Does that include the -- what happens if it rains though, if there's a rain event?

**MR. NINIVAGGI:**

This material is going to degrade over those days before it rains. But in the Guldi hearings, the Lab Director testified regarding his analysis. And at that time, my understanding was what he said was that the chemical; the Pyrethrenes that he found in the fish was a distinct material from Resmethren. It's not -- while they're in the same chemical class, they would show up separately in the analysis. So what you found in the -- well, he found PBO, the active ingredient he found was not the active ingredient that we used and they're exclusive.

**CHAIRPERSON FIELDS:**

Does this laboratory contract at all with the County?

**MR. NINIVAGGI:**

I don't know that. I think one of the things about in discussing this with our State Health, with our County Health Department that does these sorts of analysis is apparently Pyrethroids are very difficult to analyze for you, in all fairness. And in terms of these synergies PBO, PBO is used in a variety of Pyrethroid products, so it's hard to say if you find PBO where that might have come from.

**CHAIRPERSON FIELDS:**

When the Baykeeper -- when Kevin McAllister came before us before he said that he had asked for a sample but was not given a sample. Is there a reason why you would not give him a sample?

**MR. NINIVAGGI:**

I am legally prescribed from giving restricted pesticides to non-applicators. People don't have the appropriate licensing and in any case --

**CHAIRPERSON FIELDS:**

Even that small sample to be used for a test?

**MR. NINIVAGGI:**

The DEC is very strict on these matters and I'm sure that there are other ways of getting the appropriate analytical standards.

**CHAIRPERSON FIELDS:**

Like how?

**MR. NINIVAGGI:**

Well, again, that's a matter for the lab whether they can -- whether this material is available commercially. I just -- and one of the things that we do in these things, when an issue like this comes up, we work with the DEC. And the DEC is the appropriate agency for investigating these kinds of problems and when I talked to DEC about these issues, they want to do the sampling themselves. They may want to run it entirely through themselves, so they are confident in the results.

**CHAIRPERSON FIELDS:**

Okay.

**MR. NINIVAGGI:**

Because this is an unfortunate situation because, I think, with the information we have in front of us, you know we'll never resolve one way or the other what caused that kill. One of the things that I would point out is that US Geologic Survey did some water sampling down wind of part of that application using extremely advanced methods that were able to detect part per trillion levels. They did detect six -- approximately sixty parts per trillion of PBO, a half-hour after an application. Given the formula of Scourge, you would expect to also find twenty parts per trillion of Resmethrin, the active ingredient. But instead, they couldn't find any Resmethrin. So the PBO, of course, could have come from other source but if anything that supports our contention and what's known in the literature that these materials do break down very rapidly in the environment. And of course that's one reason why we use them because we don't want them hanging around and causing mischief like this.

**CHAIRPERSON FIELDS:**

Okay. Was there anything else that you feel is a --?

**MR. NINIVAGGI:**

Well, we can go -- did I talk to you about the diversions of the EAF? Because one of the things that when we -- when I submitted the plan to the Legislature for distribution, I had done an EAF and that, of course, went to CEQ. Mr. Jim Baggett from CEQ pointed out some things, which I guess are some of the things that needed to be done on the EAF. So I revised that and sent that to CEQ. I had eighty copies made up for distribution --

**LEGISLATOR FOLEY:**

They're not among the data.

**MR. NINIVAGGI:**

Yes and I don't know but maybe I should have given that directly to you. But my understanding was is that this was going -- I was giving them eighty copies. I kind of thought that it would be going to everybody who needed to know this and my apologies if I should have sent one directly to the Legislature.

**CHAIRPERSON FIELDS:**

On that note. If you are filling out an Environmental Assessment Form and a question comes up about water bodies or endangered species, why would you answer not applicable?

**MR. NINIVAGGI:**

For endangered species issues, we operate under permits from the DEC, particularly for our Larviciding. And our permits are conditioned, such that we cannot apply to endangered species habitats.

**CHAIRPERSON FIELDS:**

But that's piping plover. It's osprey.

**MR. NINIVAGGI:**

Any endangered species. Our permits are conditioned, you know that we can't apply to those kinds of habitats.

**CHAIRPERSON FIELDS:**

But you wrote not applicable.

**MR. NINIVAGGI:**

It's not applicable because we're not applying to the endangered species habitats. Maybe I should have explained that better but that's the reason why --

**CHAIRPERSON FIELDS:**

But yet in the update, did you not change that?

**MR. NINIVAGGI:**

Yes, I changed that because Mr. Baggett did ask me about that and I agreed with him. I could see how this would be misconstrued and it's part of the review process --



**LEGISLATOR FOLEY:**

Sure, page 13 of the updated and it's important for us to get a copy. Look at page 13 of the updated version. It's an impact on plants and animals. Will proposed action effect any threatened or endangered species? You still put the X in. No? But then what's written in there is piping plover. So it really is yes. And I would go on to say not just piping plover but probably also lease terns.

**MR. NINIVAGGI:**

No, because we're not allowed to treat adjacent to those. We have a, for instance, a three hundred-foot buffer that we have to keep from nesting sites. Again, a lot of safeguards that are put in through the permit process --

**LEGISLATOR FOLEY:**

What we're saying is that when amendments are made, we should be you know --

**CHAIRPERSON FIELDS:**

No that's not the only thing we're saying.

**LEGISLATOR FOLEY:**

Not only, you're right, I stand corrected. But we should be within that 80 person or maybe 84 person now, a mailing list.

**LEGISLATOR POSTAL:**

I have a question on that same thing.

**CHAIRPERSON FIELDS:**

Well but there are a couple other questions, Dominick. Do you fill out this form?

**MR. NINIVAGGI:**

Yes.

**CHAIRPERSON FIELDS:**

So again, also that we're noting on the October update is that you haven't signed it, maybe --

**MR. NINIVAGGI:**

I signed an original.

**CHAIRPERSON FIELDS:**

Okay.

**MR. NINIVAGGI:**

And transmitted that to CEQ.

**CHAIRPERSON FIELDS:**

Okay and there was another question that I had before that was answered, you know in a very generic manner. And again, when you're talking about an environmental assessment form, I think that you -- it behooves you not to answer any question in a generic manner. And I'm just baffled; you know when you're filling this out. Is it -- I mean, why do you answer it in a -- you know not applicable if it's close to an area or whatever that question was that I had before when I looked at the other one.

**MR. NINIVAGGI:**

All I can say is we try to fill out the form to the best of our ability and the best of our understanding of this. Again, some of the things that again, I'd have to see specifically what you're talking about.

**LEGISLATOR POSTAL:**

Ginny, I have a question, if you don't mind? Coming back to the page 13 of the EAF that Legislator Foley referred to. I have a question concerning question 9 on that page, where it

says will proposed action substantially affect non-threatened or endangered species and you check no. And I really don't understand that, in view of the DEC's comments on the 2001 work plan with regard to Larvicides and Adulticides. And also, excuse me -- and also their information bulletin, which outlines some of the impacts of these particular chemicals with regard to fish. I mean, how can you check no?

**MR. NINIVAGGI:**

For one thing, it says substantially affect you. Nobody can ever say hero.

**LEGISLATOR POSTAL:**

Well that's a very subjective --

**MR. NINIVAGGI:**

Yes, it is subjective.

**LEGISLATOR POSTAL:**

You know it seems to me that when I read in the DEC's instruction bulletin that a number of these substances are stated to be extremely toxic to fish. It seems to me that that would be a substantial interference.

**MR. NINIVAGGI:**

Well, it depends upon how they're used. And if, for instance, if you look at -- and this is taken into account in the registration process, in terms of when things like labeled directions and others are put together. They're intended, even though the product is toxic that doesn't mean that it can't be used without substantial impacts. Just in the same way that we take medicines that are extremely toxic for beneficial reasons.

**LEGISLATOR POSTAL:**

You know, it's just checked no. And I understand what you are saying but I think that when you are using a substance that is potentially toxic, even if you're not using it in a manner, which will be a substantial threat. For example, if it rains and there's a great deal of runoff. There's a potential for a substantial negative impact on, for example, fish. I just -- you know it just seems to me that checking no ignores the possibility that that could happen. It kind of --

**MR. NINIVAGGI:**

On the other hand, yes is not appropriate because that means yes, it's definitely going to happen.

**LEGISLATOR POSTAL:**

Then maybe you should write maybe and get them to change the form. But I just think that no is really misleading.

**LEGISLATOR FIELDS:**

And I would agree.

**MR. NINIVAGGI:**

I mean, another way I might have approached this one is to put small to moderate impact. Maybe that --

**LEGISLATOR POSTAL:**

Well that would certainly be better than no. Can I ask? You mentioned before that you were in the process of preparing, I don't remember whether you said an amendment to this EAF that was prepared October 11th, for some additions?

**MR. NINIVAGGI:**

Yes, we wanted to address the issues that were raised at the last CEQ meeting.

**LEGISLATOR POSTAL:**

Can we be sure that we can get a copy of that?

**CHAIRPERSON FIELDS:**

Go ahead. And again, I think that, you know -- I think that our questions are that as layman, not even having a background necessarily or the experience necessarily, when I know I have a little tiny bit but I'm able to see where an NA is not really the answer that you should provide. But again and I guess I keep going back on the same thing of communication. It's better to just say while there are various answers to this or there is a possibility that something could change, you know, just at least put it in there, so that it's again forthcoming and it's stating that there could possibly be an impact but it might be ever so slight. You know but at least, it's there. And obviously, if CEQ also brought it to your attention and we're looking at it on a layman's perusal, I think you have to respond, you know in a better fashion.

**MR. NINIVAGGI:**

To tell you the truth, the way I prepared this year's EAF was to take last year's EAF, which had gone through the process and basically review that. And since it had already gone through the review process, I tried to make very few changes, since -- if it was acceptable and the program is not substantially changed, you know, I didn't want to mess with the EAF that we already had. Now obviously, every time people look at these things and people with different, you know sets of knowledge and viewpoints; you can certainly come up with different things. And that's really, you know part of the process that we're going through here.

**LEGISLATOR POSTAL:**

I just have one last question for today. There are a lot of questions but there are a lot of people who have been waiting very patiently. But there was a Mr. McAllister, who made reference to a resolution that was approved by the Legislature in August of 2000, signed by the County Executive in September of 2000, directing the DPW to test non-chemical alternatives and to report back to the Legislature by October 1st, of 2001. I don't remember seeing a report. Can you tell me where that is?

**MR. NINIVAGGI:**

I brought that to the Citizens Advisory Committee and I believe, it was at the last committee or one committee meeting or two, we thought we had until December 31st of this year. And so I've -- that's gone out for one round of review with the CAC comments have pretty much come back to me at this point. The report was prepared by our intern but what we want do is to submit that report plus the various CAC comments or basically a CAC document on this. And as it happens, you know, for instance and a lot of the issues that were raised have come up in this, for instance, with the garlic barrier. We are -- we found out about that relatively late in the season. I was just -- I just talked with the principal in that firm Mr. Ron Cassadenta, at the northeast meetings earlier this week and one of the things we discussed was what sort of uses might this be appropriate for. What uses might not be appropriate for. I talked to him about some changes in the labeling that would make it easier for us to apply it. And one of the things I found out that I wasn't aware of, we had talked at the CAC about trying it in places, such as Town Golf Courses and it turns out that that's already happening over at the Cedar Beach, Town of Babylon Course. So this is something we'll look into for the following year. Another technology that came to mind --

**CHAIRPERSON POSTAL:**

Can you go back on that a little bit? I think we did talk about that application a year ago. So if we probably look at the --

**MR. NINIVAGGI:**

The product?

**CHAIRPERSON POSTAL:**

I think we did. I think we did review that as an alternative method and you said well, it hasn't really been tested yet. But I think you did -- I think you were aware that it was out there.

**MR. NINIVAGGI:**

It was not this particular product though and one of the things, there's a lot of legalism that go along with these things, even if they're organic or non-pesticidal that we have to wrestle with before we can actually take something out in the field. And we are -- you know trying to address that and again, it's ironic but even though this material is technically not a pesticide, if you're applying it commercially to control pests, you have to have a DEC Pesticide License. So there's a lot of issues to go over with these things.

**LEGISLATOR POSTAL:**

So that you were under the impression that the report was to be presented to the Legislature December 31st, of 2001? Can we expect to receive that by the end of this month?

**MR. NINIVAGGI:**

Yes, we have a CAC meeting scheduled for next week, you know to take up this issue. I think I'm done getting comments from people. I'll be incorporating them into a CAC document to go along with the report itself.

**LEGISLATOR POSTAL:**

And we'll have it by the end of the month.

**MR. NINIVAGGI:**

As a matter of fact, I have to add something to it because earlier this week, I uncovered another technology that's further along than I thought, an ultrasonic device for killing mosquito larval. So I wanted to try and put that into the report also. So we are continuing to look at these things. And I think one thing that we should also keep in mind is that the bacterial products, I think, fit the intention of this non-toxic approach. And we are very active users of the bacterial pesticide, such as Bti and Vectolex. I found some new formulations of Vectolex for catch basins, for instance that we want to incorporate into the program. We have expanded the use of Vectolex. We doubled it in 2001, from 2000. So as these techniques and materials become available, we do incorporate them into the program.

**LEGISLATOR POSTAL:**

But I'm just asking, by the end of this month, we'll have a report. Even if there are new things that you're uncovering and even if you had to say exactly that that there are new techniques being, I guess, explored as this report comes to you. So we'll have it --

**MR. NINIVAGGI:**

Certainly yes. I don't see any problem with that.

**CHAIRPERSON FIELDS:**

I have just a real quick question and that is that last time we met, I asked you about the use of Gambusia and you said that that's labor intensive. My aim today is going to be that I'll make a motion to table this because we want to know what CEQ has to say about it. But in the interim, let's say you cannot send all your men out in the field because none of this has been approved. When you're saying some of the things in the Vector Control Plan are labor intensive, perhaps and I don't know as to the timing of Gambusia, I am not sure that you could go out place Gambusia in the middle of winter. But can you possibly get everything ready for the areas that could use Gambusia and so that when the time comes that you can place the fish in that sump or wherever it is that you can put it that it's not going to be labor intensive.

**MR. NINIVAGGI:**

Well Gambusia can have a very limited use.

**CHAIRPERSON FIELDS:**

I know but your answer --

**MR. NINIVAGGI:**

They can't be put into natural water.

**CHAIRPERSON FIELDS:**

I know because it's not a native --

**MR. NINIVAGGI:**

They're a very small part that we can do.

**CHAIRPERSON FIELDS:**

I know. But your answer to me last time was, the reason is that it's labor intensive. And I would like to know that throughout Suffolk County, you know every possible place that that Gambusia can be put into and I would assume that you have that knowledge somewhere. And that if you cannot utilize your staff to do the other things that you might have wanted them to do in December or January or February, possibly they can be utilized to do the things that you feel are labor intensive?

**MR. NINIVAGGI:**

Well, we can't stock Gambusia in the winter. Of course, we're also in the middle of a drought. I guess the issue then becomes, we're talking about segmenting the program at that point. And if the EIS is required for the whole program and there's no plan of work approved, my understanding is that we are legally enjoined from doing our work.

**CHAIRPERSON FIELDS:**

Dominick, I'm not really sure that that's --

**LEGISLATOR FOLEY:**

But earlier in your testimony, you said you wouldn't be enjoined. Because earlier in your testimony Dominick and we're not trying to find inconsistencies but earlier to the question raised by Legislator Postal that if, in fact, you know the permit ends, the current permit ends in January 2002. And then there was a conversation that took place between you and Legislator Postal that if, in fact, the DEC doesn't approve a new plan by 2002, you're trying to find ways in which you could do some of your plan without the formal approval of the DEC. That being the case, I don't think it could be to wholly enjoined from doing some of your plans, since you mentioned to us that you're trying to see if you can do some of those things if, in fact, the DEC doesn't approve the plan by the end of January 2002, which leads me to another point and now I'll just end it with this is last year, we were told that we had to approve a plan because otherwise, you couldn't do anything.

And one of the things that we can't get an answer today but let's say hypothetically we pass a plan. The DEC doesn't approve by the end of January but you're able to do some work until they formally approve a plan. So then my point would be if the DEC is allowing you to do some work and they haven't fully approved your plan, if we don't approve a plan, why does our non-approval stop you in the tracks when the State DEC is non-approval by the end of January and it might not necessarily stop you in your tracks. Or let me say the -- if we approve a plan and the DEC doesn't, that does not mean that you can fully undertake the plan.

So what I'm driving at is that last year we were told that we had to approve but otherwise, you couldn't do one ounce of what you wanted to do in your plan. You had to take people off trenching and all the rest. But it's my understanding from your testimony today that if the DEC doesn't approve by the end of January, that you're still going to try to -- you going speak with them. See where you can undertake some non-objectionable parts of the plan, prior to their comprehensive approval of the plan.

**MR. NINIVAGGI:**

Well, DEC --

**LEGISLATOR FOLEY:**

What I don't want to see happen is people saying to us that we had to rush for approval because nothing then can get done.



**MR. NINIVAGGI:**

Well, let's not confuse permits and approval of this plan. DEC does not have any authority to approve or disapprove this plan. They have the authority to approve or disapprove specific activities that require permits within the plan.

**LEGISLATOR FOLEY:**

Correct.

**MR. NINIVAGGI:**

They are a regulatory agency, while you are the County or policy making and authorizing it.

**LEGISLATOR FOLEY:**

But much of the plan can't move forward without regulatory approval by the State DEC.

**MR. NINIVAGGI:**

Yes but what I'm saying -- because but on the other hand, if we don't have a plan approved by the Legislature in place and we're required to do that under the County Charter, I don't see how we can go out and do work when the conditions of the County Charter have not been met.

**LEGISLATOR FOLEY:**

That would hold true --

**MR. NINIVAGGI:**

And that's what we have to work with.

**LEGISLATOR FOLEY:**

It would hold true, the same would hold true with State regulations. How could you move forward with doing work on this plan if, in fact, State DEC hasn't formally approved the plan?

**MR. NINIVAGGI:**

The DEC --

**LEGISLATOR FOLEY:**

When you're telling --

**MR. NINIVAGGI:**

Does not have to approve the plan. The plan that's in front of us does not, is not a DEC --

**CHAIRPERSON FIELDS:**

Permit, I think he means the permit.

**MR. NINIVAGGI:**

Again, there are some activities that we do that don't require DEC.

**CHAIRPERSON FIELDS:**

I think that's our whole point Dominick, not to argue back and forth and say you know, if we don't approve that -- if we don't approve this today that you can't do another thing. My point is that, I think, you probably can without actually having to go out and apply Larvicides or ditching. But there are other things that you, I am sure, that you can do that it will not preclude from doing those things.

**MR. NINIVAGGI:**

Well that was not the interpretation that we had last year. And what I would ask the committee to do is to discharge the plan without recommendation. So that as we move forward through the CEQ and hopefully, address the issues that were raised here that the full Legislature would then be in a position to approve the plan and allow us to move forward in January.

**CHAIRPERSON FIELDS:**

I would not like to do that until we know that CEQ has responded to this and I think that if that were to happen that they did approve it, I am sure that the County Executive can give us a C/N at that point that we would then make that decision. But I don't feel the need to discharge without recommendation in view of the fact that these -- the EAF is evolving and that CEQ has to respond and that there has been more input added to some of the, you know questions and not all of the answers have been answered even to this committee.

**LEGISLATOR FOLEY:**

If I may Madam Chair? Just to give you the process, Mr. Ninivaggi. I don't think we can approve the plan without CEQ's -- until SEQRA is complete and let me ask Counsel? Counsel can this committee approve a plan or even report out of committee when, in fact, CEQ has not finalized their decisions on the proposed plan? Don't we have to await CEQ's approval before we move forward?

**MR. SABATINO:**

The CEQ process has to be completed before you can approve the final legislation so -- if it got to the floor of the Legislature and the CEQ process was not completed, then you wouldn't be able to approve the bill. Could you discharge in deference or pending completion of that process? The answer is yes. But you couldn't, when it got to the floor, make your final decision without the procedural niceties of CEQ being complied with.

**LEGISLATOR FOLEY:**

Madam Chair, I'd agree with your idea of leaving this in committee awaiting CEQ's final determination. Then Dominick, what we can do on the floor of the General Meeting and we've done this on a number of occasions, we can make a discharge motion from committee at that time, simple majority. It's not unusual. We've done it on a number of occasions. But I just wouldn't want to -- I would be uncomfortable in committee with two if we approve this. But if we discharge this when the CEQ hasn't made any final determinations or decisions, I'd rather also leave it in committee.

**CHAIRPERSON FIELDS:**

And again that doesn't --

**LEGISLATOR FOLEY:**

It doesn't prevent us from approving it on the 18th.

**CHAIRPERSON FIELDS:**

The next meeting, I believe is December 12th and that gives you six days between the 12th and the 18th.

**MR. NINIVAGGI:**

The meeting is the 12th.

**CHAIRPERSON FIELDS:**

CEQ?

**MR. NINIVAGGI:**

CEQ is --

**LEGISLATOR FOLEY:**

CEQ's meeting is on the 12th.

**MR. NINIVAGGI:**

The 12th yes.

**CHAIRPERSON FIELDS:**

Okay, so I think it gives us enough time. And one of the things that I dislike intensely is having to do something because we're told you have to do it without really full review. Okay, I think that I'm going -- which -- I don't have my agenda in front of me but what resolution

was this one? I'm going to make a motion to take this out of order for the purposes of tabling IR 2037. I'll make a motion to table.

**LEGISLATOR FOLEY:**

Madam Chair?

**CHAIRPERSON FIELDS:**

On the motion to take it out of order?

**LEGISLATOR FOLEY:**

Second the motion to take out of order.

**CHAIRPERSON FIELDS:**

All in favor? Opposed? Okay. I'll make a motion to approve, I mean to table.

**LEGISLATOR FOLEY:**

I'll make a motion to second a table. What the tabling motion is subject to --

**CHAIRPERSON FIELDS:**

To CEQ.

**LEGISLATOR FOLEY:**

To the final determination by CEQ on the Vector Control Plan and as Counsel mentioned, Madam Chair, we could not approve this plan unless and until CEQ has made their final determination. It's for that reason that I seconded the motion to table.

**CHAIRPERSON FIELDS:**

Okay, thank you. All in favor? Opposed? Tabled.

**TABLED RESOLUTIONS:**

**I.R. NO. 2037 (P) Approving Vector Control Plan of the Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter. (County Executive)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRPERSON FIELDS:**

Shirley Morrison.

**LEGISLATOR POSTAL:**

Madam Chair?

**LEGISLATOR FOLEY:**

Madam Chair, before -- what will be the list of speakers on who have been waiting here all morning?

**CHAIRPERSON FIELDS:**

We have Shirley Morrison.

**LEGISLATOR FOLEY:**

Are you going in order?

**CHAIRPERSON FIELDS:**

Yes, in order of their signing the card.

**LEGISLATOR FOLEY:**

In the order of signing, okay so --

**CHAIRPERSON FIELDS:**

And then Stephen Curtin, Lawton Bryant, Marilyn Shellabarger and Robert Vanson.

**MS. SHELLABARGER:**

Can I do this together?

**LEGISLATOR FOLEY:**

Sure, sure.

**CHAIRPERSON FIELDS:**

Thank you.

**LEGISLATOR FOLEY:**

Did the Morgue tenants, did you fill out the forms too? You filled out a yellow card? So you're on the list? Okay. This committee runs the gamut so --

**MS. MORRISON:**

Shirley Morrison, Chairman of the Riverhead Health Center Advisory Board. Hello again. We were very grateful to see that our three new positions got approved in the budget this year. But we wonder if we'll ever see them. We're very worried about this change in the turnover savings policy. As it is, we're very understaffed in Riverhead. It takes months to fill vacant positions now. As you know, one position approved in this year's budget was never released. So if the delay in releasing positions get any worse, it's going to be really bad.

Let me give you a few numbers. Right now, the total number of budgeted FTE's is 67. Current plus anticipated vacancies total 9 positions. That's 14 percent of the 67. And in addition, we have three employees not on the job because of long term illness or maternity leave. And when you put together that with the 9 vacancies, we could be short 12 employees or 18 percent of the 67. Obviously, this will have a crippling effect on a staff that is already stretched to the limits and will still be kept to the same standards, such as those used by the New York State Health Department for Medicaid Managed Care, which includes things like waiting times.

Obviously, our overtime costs will increase and even from the hard nose business perspective, I don't see how this makes sense. When you don't have enough staff to register patients and get their charts ready for doctors, the professional staff can't function efficiently. Patients will wait longer for appointments and wait longer to see the doctor and those related choices such as Medicare, Medicaid, Child Health Plus and so on may decide to go elsewhere. And as I'm just beginning to understand myself, we are in competition for these patients because they help to pay for the patients without insurance. Nobody in his right mind would attempt to operate a business this way. I don't see the point of establishing Health Centers and then sabotaging them unintentionally perhaps, so that they can't operate efficiently. I don't see how we can expect the manager to plan rationally under these conditions or to run an efficient operation where they have their hands tied behind her back.

We know that the County employees, who clean the offices, cut the grass, release permits are very important. But inconveniences that result from delay of nurse services, I think, should be considered in a separate category. Whereas the services provided by the Health Centers are vital to public health. So we're asking you to exempt the Health Centers from this turnover savings policy. Edna Steck, the Director of Human Services in East Hampton wanted to be here today but she couldn't make it, so she asked me to tell you that she strongly supports our position and both Edina and the East Hampton Town Board will be contacting you to ask you for help.

I would just like to say a brief word in support of the South Fork Community Health Initiative, which lost its funding. Diane was unable to be here today. Last night, Fred Thiele sent me an e-mail in support of restoring that funding. I couldn't open the attachment, so he'll be sending you the letter. Now, as you know, I'm very green at this, so perhaps you can explain it to me. What can be done to exempt us from that turnover policy?

**LEGISLATOR FOLEY:**

Thank you, Madam Chair. Ms. Morrison let me also thank you for attending today. You have been a great advocate for the Riverhead Health Center, as we've had advocates for other Health Centers. And it's important that we hear from the advocates, in order to make better informed judgments about our network of Health Centers. As you're becoming aware of, this particular committee has been the most supportive of Health Centers throughout the decades. And has had a long history of expanding the Health Centers of continually amending the Operating Budget far beyond whatever the County Executive may be, to insure that there is improved care for those who access our Health Center network.

But as a long-standing institutional friction has occurred over a number of decades and that occurred at the time when John Foley was the Chair of this Health Committee and it still is occurring now. And that is the fact that, we as a Legislature, will budget positions within the Health Department. We will budget positions for the Health Centers. We could literally stand on our heads and request the County Executive or the Executive Branch to fill those positions. We cannot, under the terms of the County Charter, force the Chief Executive Officer to fill any position that we have budgeted for. And I said we could literally stand on our heads and he or she would still not have to fill those positions.

So what's happened over a series of years is that we have, not just in this department, it's happening in a number of departments where we have raised taxes, where we have levied taxes to create positions to have those positions filled, in order to meet a public purpose and those positions have consistently remained vacant over a period of years. We're then put into a position to make a determination of whether we should continue to fund a chronically vacant position or whether to use it for some other purpose within the realm of public purposes or whether to eliminate that line. So in fact, the record is clear. The budgetary record is clear that we have budgeted positions for the Riverhead Health Center.

As you mentioned earlier, what we would call a SCIN form, the 167 form was not approved to fill that position. That is an issue by rights that I'm glad you're making us aware of it. We in turn will make the -- I'm sure your Health Center Advisory Board has done the same to make the Executive Branch aware of it and I'm sure even the Health Department would like to fill the position. But what's happened over time, for whatever reason and again, this has happened over a series of decades, where positions that we have created for our Health Centers, a number of them have gone vacant for a long period of time. So then that puts us in a position to say, do we still levy taxes for that position when it's not being filled? Do we make an effort in cooperation with the local advisory board to utilize this committee to try to persuade the Executive Branch to fill a position? We've done that in the past and we'll do it again. Especially, when a number of these positions are very highly reimbursable. So that's the first point that needs to be made is that we create the positions that remain chronically vacant and that opens up some other issues.

The other issue that you're bringing before us is the issue of turnover savings. And what I would like through the Chair is to ask the Budget Review Office, if they could address the issue of turnover savings within the 2002 Budget and whether that prevents, prohibits in this case study, prohibits the Riverhead Health Center from filling some important positions.

**MR. POLLERT:**

The amount of turnover savings that was adopted by the Legislature in the 2002 Operating Budget was increased from amounts originally proposed by the County Executive. It will require a position control policy to be adopted by the County Executive, however, as you had previously stated, the County Executive has a great deal of discretion on which titles he intends to fill and which titles will remain to keep as a vacancy. The amount of turnover savings was increased but is far less than the maximum amount of turnover savings. There's approximately three million dollars in the budget for the filling of currently vacant spots or in a more timely fashion, backfill titles to become vacant during the year.

**LEGISLATOR FOLEY:**

So that being the case, there's approximately three million dollars that can be utilized to fill



vacant positions or to backfill. Now Fred, that's a gross or a net three million?

**MR. POLLERT:**

No, it's a gross three million dollars across the general fund.

**LEGISLATOR FOLEY:**

So there are positions that are highly reimbursable, 40, 50, 60 percent?

**MR. POLLERT:**

It really doesn't make too much of a difference, because we can't appropriate the offsetting State Aid during the year.

**LEGISLATOR FOLEY:**

Okay. We had to -- how should we say --

**MR. POLLERT:**

So it would improve the fund. The revenues would come in --

**LEGISLATOR FOLEY:**

Right.

**MR. POLLERT:**

But it's not that it can be used to offset the total cost.

**LEGISLATOR FOLEY:**

So just to follow along with this line of conversation Mr. Pollert. With this three million-dollar availability of funding to fill vacant positions? If there's one or two positions in the Riverhead Health Center or three positions let's say -- that would need to be filled and these are positions that could also be revenue producing, correct? Right? Okay. They can be revenue producing. Given the budget that we had approved early in the month, could those positions be filled?

**MR. POLLERT:**

They could. It would require the request of the Health Commissioner to go to request that those spots be filled and then it would be reviewed by the County Executive's Office.

**LEGISLATOR FOLEY:**

Ms. Morrison, that's the full answer to your inquiry? Both a brief history and overview of chronic vacancies but also how the Executive Branch, I mean this respectfully can -- yes they have to manage a tough budget but we still have -- there is still flexibility within our budget to fill vacant positions on a priority basis. And considering this is a Health Committee, certainly we feel that a priority basis are our Health Centers and especially those positions that not only serve to protect and enhance the public health but are also revenue producing. So perhaps the first resolution that the Advisory Board can approve at the next meeting is to urge the Executive Branch to immediately fill those positions. Well, I can tell you if a half a year goes by that three million dollars is going to be used, I think, rather quickly. So the quicker you're able to put that in, we can do it as a committee but certainly, with yourself and your Advisory Board, we all would like to see some of those positions filled.

**MS. MORRISON:**

Well, first of all, we really do appreciate the support of this committee very much. I have a letter in the mail to the County Executive. We hope to meet with in the next month and I've got a lot of other people in the community. They're going to be writing also. Thank you.

**LEGISLATOR FOLEY:**

Thank you. And later we'll have Commissioner Bradley speak on the issue.

**MS. SHELLABARGER:**

My role coming here was because not everybody on every committee can come but this also

besides Riverhead, affects Tri and part of the Brentwood contingent. So Tri is in the same -- exactly the same position and I just wanted to remind you these are -- we've been asked to increase revenues. We have increased revenues and many of these positions were the positions that were required. And Shirley mentioned the fact that we're held to high standards and we certainly are held to high standards and we have such an excellent reputation. Our quality assurance shows that we're -- that we give quality service. And there's nobody in this County that wants us to give less than the best. I'm sure whether -- and certainly not the Legislature and we thank this committee for always helping. My name is Marilyn Shellabarger, the Chairman of the Liaison Committee for the Health Center.

**LEGISLATOR FOLEY:**

You intend to meet with whom?

**MS. SHELLABARGER:**

Anyhow, I just wanted to say we do want to go to the -- well, planning and we go yearly to the County Executive's Office. But we feel this year, we understand 5 percent turnover savings but when you get up into the enormous amount, you simply cannot fill the positions.

**LEGISLATOR FOLEY:**

We know that it's going to be a challenging budget but it's one that we feel there still is some flexibility within it that certain higher priority positions can be filled.

**MS. SHELLABARGER:**

Every time I -- I'm on Medicare, so every time I read about another, you know Suffolk County's has always been zapped but they're zapping all over New York State now and they're just simply -- seniors are simply getting left behind. At least, in Suffolk County, we have that option of the Health Centers. And last year, we tried to do a large PR and I have no idea but that's a good revenue source. So it's very important that our seniors not go without care, as it is so vital and anyhow --

**CHAIRPERSON FIELDS:**

Thank you very much, both of you.

**LEGISLATOR FOLEY:**

Thank you. Thanks for your patience.

**CHAIRPERSON FIELDS:**

For your advocacy also. We have three cards left but two of them, I think, are here on this same issue and perhaps you'd like to come up together? Stephen Curtin and Lawton Bryant.

**MR. BRYANT:**

Madam Chair, Mr. Curtin had to step out, so I stand or sit. Yes, ma'am. No this is fine. My name is Lawton Bryant and I am a Morgue Ambulance Driver for the Health Department and the Medical Examiner's Office. We came to you with a concern of our flextime as being our main concern. Recently, as of October the 15th, our flextime was dissolved and taken away from us. We still don't quite really know what the reason for it was. We haven't really gotten a good answer on why it was taken away but nevertheless it was taken away. We had discussions, we had one discussion where we tried to explain the benefit of us having the flextime and the County -- what the County serves as the flextime, this is Mr. Curtin. And so at this particular time, I'll let Mr. Curtin speak and then if I have anything to say, I'll say it immediately after him.

**MR. CURTIN:**

I'm Steve Curtin. First, I'd like to thank you for hearing us on this matter. I don't know how far you got. I sent a letter to all of you, which you all know. If you read it, it's kind of self-explanatory. I don't want to get into every detail of it. But I do have some more -- some additional paperwork here supporting the current problems that we've been having, since this new procedure and schedule has been in place. I'd like to give it to you and maybe we can follow along a little bit with that.

First, before I get into this, I'd like to touch on the flextime issue. The Health Department compared the Morgue Ambulance Drivers with other jobs within the Health Department, not taking into account what we actually do. I can tell you a little bit experience about myself and how flextime has helped me and how the job itself has affected me. To give you a little bit of background about myself, I've been a volunteer fireman 21 years, been an Emergency Medical Technician for the last 19 and I've been a Morgue Ambulance Driver for the last 14 years. So I've seen quite a lot in my time. I figured I can handle everything. I'm mentally pretty strong. In fact, my daughter was born 5 years ago. In the last 5 years, I went home and cried twice to my daughter.

Once a three-year-old, I pulled out of a car from a car accident. The second time, a four-year-old, I pulled out from a pool drowning. You didn't think it would bother you until you go home and see your own daughter lying there. Lucky for the flextime, I had a couple of days off after this and you don't have to think about it. And if you had one or two, three days off, you come back to work and the body is gone. The whole situation is gone. It's not there. You may fall into a point, lucky for me it hasn't yet but you may fall into a point where you get a disaster that you handle like a four-year-old that drowned. I go home and it affects me. There's a possibility I can come back to work the next day but with the flextime, in my situation, it hasn't happened to me, so I really can't express how that would be. But I know that the flextime has helped me a lot with that issue.

You want to go with my -- I guess, I'm not going to get into the old -- my old, my argument. My old argument because everybody seems to know what that is and my new one is -- but with what happened now, since the October 15th, implementing the implementation of this new procedure. The e-mail there, if you read it towards the end, it's saying that if we don't go around and get somebody to help us with our job and we asked the Forensic Investigators and they can't help us or they don't help us that the Health Department is going to look to contract our job out; our midnight job out. A threat like that just makes things, puts more stress on us and more anxiety on us about worrying about our job.

In complying with this, this new procedure, one of the Investigators was helping us with a body, I think, the body was 250 pounds, she's a hundred pounds. The body shifted and now that Investigator is out on workman's comp because she got hurt. This is within the last eight weeks, a short time that this has been going on. We're asked the police, at the scene to help us, some have. Most of them, like this says most of them tell us that they couldn't be paid enough to do our job, when it comes to the decomposed bodies and floaters. Just to try to get them into the house is a project besides trying to get them into the room or helping us with the body. This is when one person is on, which in a short time of eight weeks that this has been implemented, it seems -- the one person seems to be on quite a lot. Now, what happens is this one driver then gets to the scene and this has happened twice in the short eight weeks that we've been here, been doing this new implementation. The driver has got to get to the scene, evaluate the scene and then now, you have the wagon there and you're there and if you can't do it by yourself, you have to leave; go back to the office and see if you can find -- get another driver. My opinion is this causes more stress, pain and hardship on families that already are crushed by this tragic event.

The size of this County is pretty big. This new procedure has caused long delays in picking up bodies at scenes; has closed major roads for an extra -- extra periods of time. An example of this would be the first day that this whole thing was in place; we had one driver on during the day shift. They closed down Sagtikos Parkway for an hour and a half extra than it really should have been because the driver was out in Riverhead. Other bodies, there's been a body that's laid in the police dock for extended hours because it's waiting for another driver.

As far as flextime, I just want to touch one more thing about the one-person procedure. Is that when it was asked, when we had a big body at a hospital, it was asked what should we do and we were told that we should ask the hospital staff if they can help us. We had a problem with that saying that we don't think we should be having someone else going there

and trying to beg somebody if they can find somebody, if not, to help us with bodies at the hospitals. And again, they have nobody on the midnight shift at our job. So even if you get this body into the truck, back at the office, you're all by yourself to try to get this body out and process this body.

Myself, I'm late now because I just came from comp hearing and seeing a doctor for an injury I sustained and that was with two drivers, so it can happen. So by one driver, you're really making that driver apt to more injury. Flextime has benefited the County, we believe, because those pickups that are after -- between shifts, the guy who does the double, accepts that and it doesn't the County any overtime. So far, since this has been implemented, we've had about over roughly about 15 hours of overtime just in those cases that have lapsed from one shift to another.

TWA, this was a great tool used for TWA. With the mass amount of bodies that we've seen, they were able to get you a couple of days off, was able to help you absorb what you've been doing, which as you know, is quite, should I say overwhelming for many people. Also, at the TWA disaster, there was a Morgue Driver there for roughly -- probably over a month, 24 hours a day. This way as soon as they got any remains, they were able to bring them right back, as soon as possible. For all these reasons, I believe that the implementation of this new procedure and that deleting the flextime was done without really sitting down and discussing how it would affect, not only the drivers but also the people of Suffolk County.

**CHAIRPERSON FIELDS:**

Have you discussed this with your union?

**MR. CURTIN:**

We've discussed it with the union. I've talked to the union and the union said that there's nothing they can do for us. That's why I went this step with you. We've sat down with representatives of the Health Department. We've had meetings with them and expressed our concerns with them and to no avail. It seems like we haven't -- any suggestions that we asked, we didn't even get any reply from.

**LEGISLATOR POSTAL:**

Do you know -- I remember you sent me and other members of the Legislature a voluminous packet with a great deal of material, which I don't have with me. If you -- I don't remember whether that -- I have the feeling that that told me who made the decision to eliminate flextime? Do you remember who that -- do you know who that was?

**MR. CURTIN:**

The letter was from Robert Maimoni, Director of Health Services.

**LEGISLATOR POSTAL:**

And do you have any idea? I guess the union would have a better idea of how flextime was started in the first place, with regard to people in your titles? How did that come about? Was that in the contract? Or it was just a practice?

**MR. CURTIN:**

That was done before my time.

**MR. BRYANT:**

Flextime was started because we had proposed to the County and to the Board of Health, where it would be beneficial for us to do flextime for us and also the County, where it would save costs on overlay cases. We would have an immediate response to any case that happened at any time. Anything, in any emergency that happened at any time, there was somebody right there immediately to go to respond to it. For 15 years it worked beautifully. We never had a problem. We never got a complaint from no one that there ever was a problem with it. And all of a sudden, it seemed like out of nowhere, you know it was gone and it was never said to us why it was gone. Why it all of a sudden became a terrible idea? Why? What happened to make this just all of a sudden disappear, you know? And after 15 years of us doing it, with handling anything that came up, I don't care what it was; we were

there to handle it. We're still there to handle it. And what I would like to say to the board is what people -- I don't think that sometimes people take it into consideration is what we do is a job that most people don't want to do. That's the first thing.

Second of the thing is there's no way we can control it. We cannot control what phone call we're going to get to say, what's going to be there when we get there. Most of the times, all we have is an address and not to -- to whatever but I'm going to tell you the truth. I received a call and when I responded to it, it was my nephew that I didn't even know and my sister was cradling him but I was glad to God that I was the one that was there because, at least, I was able to take him from her arms. She would not give him to the police. It did not happen at a familiar address. It happened at Brunswick Hospital. So when I got into that emergency room to get that body that was my own nephew. She would not give him to the -- my sister wouldn't give him to the police. She would not give him to my mother. I had to, in return, call him at the office and have him come because I couldn't handle it. I couldn't handle it. And if I didn't have that flextime, there's no way I could have come to work that next day. Because I was devastated. I had enough strength to get that child and I waited on him to get there, so that he could take my nephew. You know what I'm saying? And these are cases.

I can name several cases where I have gotten to an accident case and rolled over dear friends. But nobody wanted to take that into consideration. Nobody wants to say that that's traumatic on us; we're just these people who can handle it. Do you know what I mean? And that is traumatic on us and that's what flextime did for us, more than anything else, where they gave us some relief from death. When you deal with death five days a week, you've got to deal with scenes five days a week. It's different when we had already brought them back just Sunday morning in Copiague a mother, a son. You know what I mean? Committed suicide on her mother's front lawn and all I could go back home and tell my wife was, I can't forget that mother's voice about saying why didn't I know my child would do this. But nobody wants to take that into consideration. Everybody just wants us -- it seems like they want to look at it, as it's just a cut and dried job, when it's not a cut and dried job. We're dealing with devastation and death every time our phone rings. And our down time gives us the strength to rebuild, to go back for -- to deal with it. Because every call is death. Every call is tragedy. And so that's why the flextime means so much to us because it gives us that break to come back in a few days and tackle it again.

#### **LEGISLATOR POSTAL:**

Can I ask our Counsel? Mr. Sabatino? If I remember, there was a resolution that was approved by this Legislature a number of years ago that established a policy of permitting flextime. I can't remember what the procedure was that followed the adoption of that policy. Whether it was up to individual departments or it was a matter for collective bargaining?

#### **MR. SABATINO:**

You're absolutely correct. About seven or eight years ago, Legislator Levy had sponsored and it was adopted into law a flextime policy bill. For exempts, you could just impose it but with regard to all the other departments where there are collective bargaining agreements in place, what it said was that to the maximum extent feasible and possible within the parameters of the collective bargaining agreement go for flextime. The experience over the eight years seems to be that some departments do it, some departments don't. Some do it, you know, on a hybrid basis but in this particular situation, I mean, we -- the Legislature couldn't do anything more than what it's done, in terms of legislating. Because you've got a law on the books, which encourages it. You've made the statement that it's a good thing to look at but it's subject to what is actually negotiated, in terms of the details.

This particular situation sounds like the department has made an internal calibration for whatever reason that the policy in place should be changed. The only thing this committee could do would be maybe pick some target date, I don't know six months, eight months, ten months and say that you want to just have the Commissioner of the Department report back to you and exercise some oversight but you can't really change what they've done. You can just oversee what's been done.



**CHAIRPERSON FIELDS:**

It's a management decision. What were you going to say?

**LEGISLATOR POSTAL:**

I would just, you know be interested in knowing what the rationale was and you know, at some point, if there was a rationale for it, whether the experience shows that it has been beneficial. I don't know whether the department or that the department is prepared to address the committee today on what the reason was for the change in that practice. So that if they're prepared to tell us perhaps they could inform us, if not, perhaps at the next meeting of the committee, which I know won't be until after the New Year. They can make us aware of why that was changed.

**CHAIRPERSON FIELDS:**

Go ahead.

**LEGISLATOR FOLEY:**

Thank you. Do you know, either one of you gentlemen know how do other Counties handle their Morgue -- do they have flextime in other Counties or do they have what I call straight time or if you know?

**MR. CURTIN:**

Myself --

**LEGISLATOR FOLEY:**

How does it work in other municipalities?

**MR. CURTIN:**

I cannot tell you how it works in other municipalities. I know Nassau County was looking into a couple of years ago, was looking into getting their own drivers because they have the police do it, which probably costs more money than what the County pays for having civilians do it. They were looking into getting more drivers themselves until -- their financial shape that they're in, so they haven't done anything with that. As far as other Counties around, I can tell you how they do it. But the feedback that we've got from like Nassau was that this was neither. It was a nice thing to have your own drivers instead of depending on everybody else.

**LEGISLATOR FOLEY:**

But is flextime, as this County had it for 15 years, is that the exception to the usual way that other Counties or Cities in the State --?

**MR. CURTIN:**

I couldn't answer that. I couldn't answer that question honestly.

**LEGISLATOR FOLEY:**

All right.

**MR. CURTIN:**

I just know from my experience it has helped me so --

**LEGISLATOR FOLEY:**

Okay.

**MR. BRYANT:**

And from my experience, the fact that our new schedule, we have two guys on the shift at a time. Our flex schedule, we had two guys on the shift at a time. So I'm confused to understand if we got two guys on the shift at a time now and we had two guys on a shift at a time with our flex schedule, where was -- where is the --?

**LEGISLATOR FOLEY:**

Savings?

**MR. BRYANT:**

The devastation, the savings or anything else that when we still got two guys on a shift. If you're saying that you want to save on overtime, what you're doing to us now, you could have still did it with flextime. Because you're saying that if one of us takes off, the other man has to work by himself. Well, if we're doing flextime and he takes off, I still have to work by myself. There's no savings on the flextime. There's savings when you try to cut overtime but the flex don't create overtime and don't take away overtime. It's the same thing. We run our department with nine men. Nine men work seven days a week, three hundred and sixty five days a year, twenty four hours a day, just nine of us. There's only two of us covering a shift at a time. That's it. No matter how you do it, you're only going to come up with two people to cover a shift at a time. Okay, we had two positions that we lost due to -- when the people left they were never replaced. So now we're down to nine guys, eight guys and a supervisor. You know what I mean? So it's still covering the same thing. What is so bad about flex?

**LEGISLATOR FOLEY:**

Now, just so -- did you want to add to that?

**MR. CURTIN:**

I want to add on that. We've lost two drivers over the time, since I've been here since '87. Although, as you know, the population of Suffolk County keeps on going up. So the workload is getting heavier.

**LEGISLATOR FOLEY:**

Yes.

**MR. CURTIN:**

We run probably about -- I'd say anywhere from a hundred and fifty cases -- a hundred to a hundred fifty cases. Every year, we seem to be going up more and more. So the numbers are going to start going up, but yet the manpower has gone down.

**LEGISLATOR FOLEY:**

Go ahead.

**MR. BRYANT:**

Can I just ask one other thing?

**LEGISLATOR FOLEY:**

Yes.

**MR. BRYANT:**

It also when -- whatever analysis was done to determine whatever, okay! The analysis wasn't done -- I don't think that our whole job description was done in an analysis. Because a, last year when the birds had to be picked up, we were mandated that we had to go pick those birds up, as well as doing our cases. We had to go to people's houses. The Medical Examiner's Office did. When the cops had to be tested for their urine, we went over there and did the testing. The Morgue Ambulance Drivers went over there on our time, while we got paid overtime for it. But it seems like all these extra things we did, added up into the cause, instead of that part being taken out because that's not something that we do on a regular basis. Those were temporary settings. But it was all lumped into this cause and then it was said the Morgue Ambulance Drivers make all of this money. We don't make all of this money.

If you want to ask us to go and do something, then by all means, please don't penalize us for saying yes, we'll go make the extra cash. You know what I mean? Because we're people too. If you give me an opportunity to make extra money, I'm going to take advantage of it. Just don't give me the opportunity to make extra money but don't penalize me for being a hard worker. That's wrong. That's wrong to penalize me because I work hard and I'm willing to take the task that you presented to me, answering the phones. We've got to do

the relief coverage on the phones at the Medical Examiner's Office, stuff like that. If you are going to present it to me, don't penalize me for saying yes. In your overall scheme of budget, you penalize me for saying yes to what you offered to me.

**LEGISLATOR FOLEY:**

It's my understanding that the half of the Morgue Drivers -- that the union had appealed that managerial decision. Is that not correct? Wasn't there a process? An appeal was made, I understand.

**MR. CURTIN:**

Not that we know of. When we went to them, maybe it was done after I submitted my letter.

**LEGISLATOR FOLEY:**

Okay.

**MR. CURTIN:**

But as far as we know, I went to the union and the union said they couldn't do anything about it. The County had the right to manage and we understand that.

**LEGISLATOR FOLEY:**

I had thought that there was an appeal of that managerial decision and the appeal was turned down. You don't --

**MR. BRYANT:**

If there was, we don't have knowledge.

**MR. CURTIN:**

They didn't tell us that if that was -- that happened.

**LEGISLATOR POSTAL:**

Ginny? Again, for our Counsel. If something is a past practice, isn't there a basis for, I guess, I don't know whether you'd go to PERB or you know, what you do, file a grievance or whatever?

**MR. SABATINO:**

Well, there are multiple rules with regard to whether something was a past practice or not. And you can file a grievance, if you can establish that it was. But I don't know the circumstances of this particular situation. It sounds like there was probably something in the agreement that permitted the department to work changes in the flextime arrangement. But if it didn't, the union would be sitting in a situation where they could file a grievance. But we're really at a disadvantage because we're just hearing the one side of the explanation. And quite frankly, I mean, it looks like it's only been in place since October 15th. So I really can't tell based on what I've heard, as to what's actually transpired.

**MR. CURTIN:**

The package I gave you, I put some distinctive problems that we've had in the short time that we've started. As far as the agreement, if Ms. Fields has her package that I gave her, it was in that package dated 1985.

**LEGISLATOR POSTAL:**

Madam Chair, I don't know if he's prepared to comment on this -- the new policy. But if Mr. Maimoni would care to share with the committee why that was done or what the rational was, I think that would be helpful to me.

**CHAIRPERSON FIELDS:**

Okay, thank you for --

**MR. BRYANT:**

Thank you for your time.

**DR. BRADLEY:**

I'm going to start and then I'm going to hand it over to Bob Maimoni. Within the Health Department, there have been different flex schedules in the different divisions. And from where I was sitting, as you said, different departments took it on differently. Within the department, it was used differently in different divisions. So we made an attempt to look at all of the flex schedules in the entire department from two perspectives. One is program needs. There are clearly programs that we run where it's indicated to have a flex schedule. The other is we looked at the costs associated with the different flex schedules. There are times when a flex schedule will actually save money for the County, leaving the program aside and somewhere it costs more money to have a flex schedule. So we have systematically been looking at all of the flex schedules. Some people have flex schedules to help run the programs. That it's better. It makes the implementation easier for the -- for that program to have a flex schedule.

When we looked at the Morgue Drivers and actually, there was a grievance and an arbitration but it was not -- it was related to whether the individual Morgue Drivers got paid at time and a half for when they did not work on a particular holiday, when a holiday fell within the week. And that was what was grieved and the County won and then there was an appeal and the County won again. So -- but it was not particularly to the flex schedules, whether they got paid for the holiday time. So when we looked at the Morgue Drivers, what we found is that for all of the Morgue Drivers, because of the way the flex schedule was they all received the 9 percent differential. If you did it on a regular 5 and 2, which is the usual for County employees, a smaller percent, maybe 30 percent would have that 9 percent. So there was a cost savings to not having a flex schedule.

And the claim that was brought up with a concern and you know very well put, about the mental concerns about having to deal with death. I consulted with our mental hygiene people and they didn't see the advantage to having a fourteen-hour day or two fourteen hour days and then a short day to help with these stresses of the job. And from their perspective, they didn't see a benefit to having the flex schedule versus a regular five and two because of the difficulties encountered in the job. Now you may want to say more.

**MR. MAIMONI:**

The first thing we have to say is that, you know we're very proud of our Morgue Drivers. They have one of the toughest jobs in the department. We don't make light of that. At the same time, as you folks know, you just completed doing a budget, we have the same issues in the department, in terms of balancing priorities and trying to get the most out of the tax dollar to do as much as you can with it.

Our research into why this flex schedule started back in, I think, it was 1985, was that the premise was that if I go into this flex schedule, there was going to be a savings. You weren't going to have any overtime. Well the fact of the matter is that last year our overtime was, in this area, was about a hundred and twenty thousand dollars. So it was obvious that flextime wasn't saving us a whole bunch of money in overtime. I understand these gentlemen and their lives have evolved into this flextime arrangement, where they effectively work two and a half days, even their two fourteen hour days.

My background and my education geared themselves to what work schedules were about. And fourteen hour a day work schedules are a very bad practice. The human body doesn't perform as well after six hours and it starts to decline from there. Fourteen hours is really bad policy and we -- and I feel strongly about that. I mean, you take these gentlemen and you put them in a car and tell them to go pick up a body after they have been working thirteen hours and they fall asleep at the wheel, then it was a bad policy that we put in place. We think that that's not appropriate. So it wasn't saving us money. Now, I understand these gentlemen, for the most part, have other jobs and this has an impact on them personally and I appreciate that. But it wasn't saving us money. It was actually costing us more money than it should have been. They all got 9 percent night differential

because of the nature of their job, which cost us another 9 percent. It wasn't saving the overtime and it was probably putting them in harms way, in terms of risk, because of the hours they had to work.

In terms of the work load statistics, we picked up about twelve hundred bodies a year. That's, you know somewhere's in the neighborhood of four a day. It's not a staffing issue. They have a tough job and make no mistake but it's not like gee whiz, we need more people because we're picking up so many we can't keep up with the work. It's the fact that we're working on a seven by twenty four operation. Our numbers, you know we have used them at other areas, as they indicated. You know, in our employee medical reviewing unit, we don't have any men working in that unit. So when we had to do a urinalysis on the police cadets, we pressed them into service, because you had to have somebody observe the act, all right! So I mean, you know we used them in other areas. It's not easy and any time you restrict something or you look to save money in the County Budget, you're taking it out of somebody's pockets. So there's payment associated with it and in this instance, they're feeling the pain.

You know we looked at what other municipalities do. Doctor Wetli, as you know, is our Medical Examiner and prior to working here, he worked in Dade County, which is Miami. And the first person I asked about this is hey Doc, what did they do in Miami? And they contracted it out. We called down there, we said how much did it cost? It is a hundred and ten dollars a body. When we did our division, taken our total cost of this program, it's costing us close to six hundred dollars a body. Now, you know I don't want to hurt these guys. They're good guys. But by the same token, I noted you folks, as well as the Commissioner, if we have this money, we'd rather use it in the Health Centers to, you know give out shots. It becomes -- you have to prioritize where you want to spend the money.

#### **CHAIRPERSON FIELDS:**

Bob, I don't want to cut you off but it's ten to two and I think we've heard pros and cons on both ends. But I think the suggestion of Counsel, to maybe look at this issue for a period of time and you know, report back to us in six months. It's probably an appropriate response to the questions and I think, I would prefer doing that and I appreciate it. Maybe you can kind of stay up there because we'll just refer and I'd like to try to move this very rapidly. But thank you very much for coming and again, the Legislature also cannot really get involved in labor issues and this is kind of the best thing at the moment that we think that we can do for you. Robert Vanson?

#### **LEGISLATOR HALEY:**

Is anyone here from the Legislative and Personnel Committee? We're going to meet in the back conference room.

#### **MR. VANSON:**

Good morning or I should say good afternoon. My name is Robert Vanson. I'm a resident of Bohemia and I'd like to thank you for this opportunity to address the committee. I was starting at age 14. I was a smoker for 40 years, gradually rising to over a two pack a day usage and it was not peer pressure. Starting at 14, none of my friends smoked. There might have been one or two kids in the school system that did. We had a thousand some odd students.

I became a communication engineer with a strong science background and I understood and agreed with the developing body of evidence back in the 1950's and '60's about the effects of nicotine and the link to cancer and to heart ailments. Yet that didn't get me to quit. I took what you might call the scientifically alternative; I only smoked Kents with the micronite filter to reduce the tars and nicotine that I inhaled. I really enjoyed smoking. It was something that I found very relaxing and very pleasing. No news article and letter, non-smoking ad could really get me to quit. In my case, it was finally reaching a point that I saw a definite bad physical connection to lighting what turned out that day to be the 41st cigarette of the day. That made me quit and that was -- oh, I was four to five at that point, by my two younger children, who encouraged me to quit. I am not a marketing professional but decided to use my life experience from which to -- I derive my comments and suggestions.



We have been discussing the anti-smoking ad campaign since the last meeting of the committee. And I decided to look back at what were the most memorable grabbing commercials or advertisement, so to speak, or media in my lifetime. And I have to say this turned out to be the anti-nazi films that had been created by Frank Capra. By the time I saw them, they had proven so effective and this was, like in the 1950's that they had established a whole new class of media technique, which came to use his name and is referred to as something that is Capraesque. To really grab the kids attention and get the don't smoke message to them and for them to take it to heart, I don't see the name -- I call name calling type of ad that I kind of heard proposed last month as doing the job. I think there is a strong need to think outside of the box of every day normal advertising.

I recommend the firm, whoever it is that is going to be creating the ads that will be developed that they consider taking the Capraesque approach and use the tobacco companies very successful advertisement campaigns, like the Marlboro Man or Joe Camel, etc., and turn these around against them, as a suggestion. This could be accomplished by using a black and white version of the tobacco ad or a recreated version, if that's necessary due to copyright rules and other things that may come in with the anti-smoking message presented as the voice over to the silent ad running or something similar. This worked fabulously for Frank Capra and I think it would still work fabulously today.

**CHAIRPERSON FIELDS:**

Are you suggesting that they show the Marlboro Man and now the tombstone that showed that he died from cancer?

**MR. VANSON:**

Well, certainly variations of the basic ad could be done. He could be riding off and maybe go to the cemetery. There's his tombstone.

**CHAIRPERSON FIELDS:**

Right.

**MR. VANSON:**

I mean --

**CHAIRPERSON FIELDS:**

Right, okay.

**MR. VANSON:**

I'm just throwing ideas out but they're much better at coming up with this than I am.

**CHAIRPERSON FIELDS:**

No but they're great suggestions and I think very effective. Obviously, they were effective in the '50's and they could be effective now in a more sophisticated manner but still effective.

**MR. VANSON:**

Thank you.

**CHAIRPERSON FIELDS:**

Thank you.

**DR. BRADLEY:**

Can I just make one comment? There is actually an anti-tobacco ad that uses the Marlboro Man and it has his brother speaking and telling us, you've seen it and it shows pictures of the tobacco ad with the Marlboro Man. And the brother talks about independence and how the tobacco was supposed to make him feel independent. And then it shows pictures of the Marlboro Man on his deathbed with lung cancer and the brother saying and then goes on to the tombstone so --

**MR. VANSON:**

It may well be better than even this.

**CHAIRPERSON FIELDS:**

Okay, great thank you. I actually don't know what to do, whether we should do the agenda first and then go on to other things. But I guess in the interest of the people who are still here, we did have on the agenda discussion about the anti-tobacco advertisement commercials and maybe we could just do that and --

**MR. MAIMONI:**

Madam Chair, you had asked us, at our last meeting, to come with our commercials that we had.

**CHAIRPERSON FIELDS:**

Right.

**MR. MAIMONI:**

And I believe Lori is here, has got it already.

**CHAIRPERSON FIELDS:**

Right.

**DR. BRADLEY:**

She also has the packet that have the survey information from the adult survey.

**CHAIRPERSON FIELDS:**

Oh, great thank you.

**DR. BRADLEY:**

We have it for everyone.

**CHAIRPERSON FIELDS:**

Thank you. Thank you very much.

**DR. BRADLEY:**

We also have somebody here from my advertising agency that we have been working with, from Christopher Thomas.

**CHAIRPERSON FIELDS:**

Okay, if he could come up too?

**MS. BENINCASA:**

Would you like to see the commercials first that we've been running?

VIDEO SHOWN AT 2:00 P.M.

**DR. BRADLEY:**

There's a chart that shows these different stations and the radio, I'm sorry -- in the packet there is a chart, which shows where the commercials have been aired. This campaign has been targeted to adult smokers. The next segment of the campaign is targeted at young people. So this is a commercial that's going to be airing starting this month. And this is for a younger adolescent. Not for the late teens but more the twelve, thirteen.

VIDEO

**DR. BRADLEY:**

One of the things the experts say is that if the kids will talk about the ad; it's more effective. So this is one of the main reasons, this was picked. Besides the fact that kids like it that we thought that they would talk about it. They would go and talk to their friends about it. That's it for this one. If you have time and if you want, we also have some radio commercials. If you don't have time, we'll leave it up to you. I know it's late.

**LEGISLATOR FOLEY:**

Those are the TV commercials, right? Which we'll be employing? Okay.

**DR. BRADLEY:**

These will -- because of our budget and the --

**LEGISLATOR FOLEY:**

Please speak closely into the mike?

**DR. BRADLEY:**

And the response that we've gotten to these -- these are really targeted to smokers to get them to come in for a cessation. That has been very effective. As we move into the kids and looking at the money we have for next year, we're going to be pulling back on this and concentrating more on kids and adolescence on prevention.

**CHAIRPERSON FIELDS:**

If we were to rate these commercials, I would rate, pulling back all of the smoke free moments, except perhaps for the pregnant lady because --

**LEGISLATOR FOLEY:**

Which was very good.

**CHAIRPERSON FIELDS:**

Looking at them I, you know, as a person who might think about not smoking, they were not in the least bit effective to me.

**DR. BRADLEY:**

Are you a smoker?

**CHAIRPERSON FIELDS:**

No. But I'm just saying --

**DR. BRADLEY:**

Smokers are finding them very effective. And when we look at the people that are calling in for cessation and we saw huge a increase and we said why did you call us? What made you? And they said it was the TV ad so --

**CHAIRPERSON FIELDS:**

I wonder which one though. I wonder if it was the pregnant woman or, you know, I wonder if you have a way of determining which ad got the calls.

**DR. BRADLEY:**

We'll ask from now on.

**LEGISLATOR FOLEY:**

Because it's important because some of them are very subtle.

**DR. BRADLEY:**

Yes.

**LEGISLATOR FOLEY:**

The point in, you know --

**DR. BRADLEY:**

Right.

**CHAIRPERSON FIELDS:**

You know and if people don't really even -- I mean, most people that I know, when the

commercial comes on, they either run to have a cigarette or go to eat or whatever. So it would be very interesting to see, which ad is the one that made them get up and pick up the telephone.

**LEGISLATOR HALEY:**

I haven't got my two cents in.

**CHAIRPERSON FIELDS:**

You can tell by the expression on your face that this is going to be --

**LEGISLATOR HALEY:**

I've given up smoking cigars. Actually, I think, the difference there was as adults, we constantly have people like yourself telling us how bad it is for us. But I think what that says is how good it is for you to not. In other words, you know what I mean? It puts it more on a positive side than as the usual negative, it's bad for you, bad for you, bad for you. So that may be the reason why it may have some effectiveness.

**DR. BRADLEY:**

Right and when we -- if you look at the adult survey, about 90 percent of adults know that tobacco is harmful for them as you say. So we try to --

**LEGISLATOR HALEY:**

Yes that's true. That's why, I think, they can make their own decisions.

**CHAIRPERSON FIELDS:**

Legislator Foley.

**DR. BRADLEY:**

You try to approach it from a different perspective. And we're trying to compliment with the State ads. You may remember Christie Torlington talking about how she lost her father.

**CHAIRPERSON FIELDS:**

Yes.

**DR. BRADLEY:**

And also a gentlemen named Rick Rader who lost his wife at 46. So we didn't want to just duplicate it. We wanted to kind of compliment it in a different area and also the tobacco action coalition has targeted environmental tobacco smoke, in terms of kids. So we tried not to do what either of them -- but design it around them and really the push nationwide is more towards adults. Many of the States are coming forward and saying, you know the youth prevention is not as effective as we thought it was. And the more we can change the social culture around smoking and get adults to stop; they feel the kids will come along. I don't totally agree with that. I think it's clearly along, in terms of prevention with kids.

**LEGISLATOR FOLEY:**

So it's really going to be a dual tracks that you're going to take, both for tobacco cessation, smoking cessation, as well as smoking prevention.

**DR. BRADLEY:**

Yes, yes.

**LEGISLATOR FOLEY:**

Are you telling the committee that this year -- this coming year, you'll be developing commercials to combat teenage smoking and to prevent folks -- persuading people not to smoke? What do you intend to do this year about female, teenage smoking?

**DR. BRADLEY:**

For teenage?

**LEGISLATOR FOLEY:**

Through the commercials.

**DR. BRADLEY:**

Well, the one is the one you saw. We are -- because our budget was pretty much -- it was cut in about half. We are working now with our advertising agency to see because we have to modify what we had planned to do. We're going to see what we can do.

**LEGISLATOR FOLEY:**

Well, in the original plans, in your original plans, how are you going to combat teenage smoke, particularly, teenage smoke? Teenage smoking in particular, teenage female smoking through commercials? Were you going to develop a certain commercial for it? That was the group that you mentioned to us that has the most alarming increase? Or the only increase? Even before the final budget was --

**DR. BRADLEY:**

Right.

**LEGISLATOR FOLEY:**

Because you had to submit a budget to the County Executive. When you submitted a budget, if you don't have it here in front of us today, what commercials were you going to develop to combat particularly, smoking in that demographic group that had the largest increase, which was teenage smoking?

**DR. BRADLEY:**

Well I'm going --

**LEGISLATOR FOLEY:**

Was there a specific commercial that was going to be developed?

**MS. BENINCASA:**

Yes, we had planned to focus more on youth empowerment to get kids to refuse tobacco, to show the tobacco industry as preying on children. I don't think we're going to be able to produce any ads this year.

**LEGISLATOR FOLEY:**

Well, would you intend -- when you proposed -- when you sent in your proposed budget, were you intending to utilize a multi-media approach, commercials and radio to direct your efforts towards teenage smokers?

**MS. BENINCASA:**

Yes.

**LEGISLATOR FOLEY:**

Okay. Now was there an ad that you had readied or --?

**MS. BENINCASA:**

The advertising agency had been working on ideas.

**LEGISLATOR FOLEY:**

Okay.

**MS. BENINCASA:**

We had been talking to kids and seeing what resonated best with them and yes, we did have plans.

**LEGISLATOR FOLEY:**

Okay, because to my way, there's no reason why -- particularly, since that's up, I think the highest priority group where you mentioned this before because that's the group that's had the lone increase in smoking. Even with the modified budget, I for one, can see that you can still develop a commercial to that particular age group. Because what you've mentioned to



us in the past, one of the key issues here is with the industry considering teenage smokers, replacement smokers. And that's who you've mentioned to us time and time again and rightfully so, that's who you want to target. So even with a modified budget, I don't see why that would prevent you from developing, since we're here today to talk about commercials, radio and TV, why you would be prevented in doing that?

**CHAIRPERSON FIELDS:**

May I just interrupt also? Dr. Bradley?

**DR. BRADLEY:**

Yes?

**CHAIRPERSON FIELDS:**

When we were talking about my bill a year ago about kids not smoking? Wasn't one of the things that you stated that in Florida, the best technique that they had to combat teenagers smoking, were those advertisements that put teenagers into the actual commercial?

**DR. BRADLEY:**

I can't say with 100 percent assuredly exactly what of their program. But it was yes; it was the marketing of kids by the tobacco industry. It was using them and actually our campaign was big tobacco, you're fired, which was what we working on, in terms of the kids with the commercials. So we were kind of taking that same theme and putting our own touch onto it, yes.

**CHAIRPERSON FIELDS:**

So by cutting the budget in half, you're cutting out the advertising? And what are you leaving in?

**DR. BRADLEY:**

We haven't decided exactly what the campaign will be for next year. We found out about the cut about a week ago, so --

**MR. IMBASIANI:**

Good morning.

**CHAIRPERSON FIELDS:**

State your name for the record and speak closer to the microphone?

**MR. IMBASIANI:**

Michael Imbasiani --

**CHAIRPERSON FIELDS:**

And speak closer to the microphone.

**MR. IMBASIANI:**

Michael Imbasiani from Christopher Thomas. We had boards proposed to produce next year. Since our budget has been cut, we have to re-evaluate the dollars that we have to spend against producing new spots. We have looked at TV advertising for kids, radio advertising. We are in the Malls right now and we also do movie advertising for kids. But since the budget has been cut, we need to re-evaluate, if we have the funds to produce the new TV spots. The reason we're using CVC right now is because we are out of budget for this year. So we're utilizing a TV spot that the CVC gives to us where we just tag it. That spot, you might be able to see across the country running in different markets.

**CHAIRPERSON FIELDS:**

Which one is that?

**MR. AMBASIANI:**

The one you just saw now.

**MS. BENINCASA:**

The dog.

**CHAIRPERSON FIELDS:**

Which one? The dog? Okay.

**MS. BENINCASA:**

Actually, they don't give it to us. We have to still pay talent fees.

**LEGISLATOR POSTAL:**

I have a question. Everybody in those commercials was white. Why don't we have any people of color?

**DR. BRADLEY:**

Well, one woman was Hispanic.

**LEGISLATOR POSTAL:**

But we don't have any -- there's no African American. And as, you know if I remember correctly, statistics show that there's a higher percentage of smoking within the African American Community. That's what I've seen. Statistics that I was shown by the American Cancer Society about a year ago. But certainly, even if it's not higher, we should have some African American representation in those commercials. Are there plans to do so? I understand it's --

**DR. BRADLEY:**

If we use the CDC, we're kind of stuck with what they have. And I don't remember if there were many people of color in those commercials. We will look for that.

**LEGISLATOR POSTAL:**

Well, you know if they don't, then somebody should communicate with the CDC.

**DR. BRADLEY:**

Right.

**LEGISLATOR POSTAL:**

To tell them that they are really ignoring a segment of the population.

**DR. BRADLEY:**

Yes.

**CHAIRPERSON FIELDS:**

When would you know the half of the budget that you're going to utilize? What you're going to utilize it? Or what you're going to do with that budget?

**DR. BRADLEY:**

A couple weeks. That's what Lori is saying.

**CHAIRPERSON FIELDS:**

So then, might I ask in January, that you come back and tell us what it is that you do plan to do and what it is that you don't plan to do? I think that's as important.

**DR. BRADLEY:**

Sure. The other, the third part, besides the radio, the TV was the Web site, which the splash page is in the packet.

**CHAIRPERSON FIELDS:**

How do you get -- what is the -- how does somebody decide that they're going to go into that Web site?

**DR. BRADLEY:**

You mean what's the address?

**CHAIRPERSON FIELDS:**

Well, how would they find out what the address is and why would they want to go into it?

**DR. BRADLEY:**

The commercial had it on.

**CHAIRPERSON FIELDS:**

Okay.

**DR. BRADLEY:**

And as one --

**CHAIRPERSON FIELDS:**

We couldn't see the writing from here.

**MS. BENINCASA:**

We'll also be letting schools know when the page is available, hoping that some of the schools will use it as a school project also.

**CHAIRPERSON FIELDS:**

Just since I couldn't see it, I know I'm kind of far but it was small. You know maybe that's something that you might want to consider is making that Web site larger. Especially, since kids and most people are on the Internet.

**LEGISLATOR FOLEY:**

The ads that you had just shown us, they're going to be run next year? Is that correct?

**MS. BENINCASA:**

These smoke free moments?

**LEGISLATOR FOLEY:**

Yes, all three or four ads?

**MS. BENINCASA:**

Yes, we hope to run them all again.

**LEGISLATOR FOLEY:**

Okay. You speak of cuts, is there a way of taking out one of those ads and developing one that would be directed towards teenage smokers? Because not all of them were very, you know --

**DR. BRADLEY:**

Right. Those were not. As I said, that was part of the adult, other than the dog. That was really --

**LEGISLATOR FOLEY:**

I understand that. You intend to run all of those from what we've been told?

**DR. BRADLEY:**

On a much more limited basis. Because it costs money to air them.

**LEGISLATOR FOLEY:**

I understand that. Could you submit to us, if you don't have it today, submit to us the times, the number of times and the particular day that --

**MS. BENINCASA:**

It's all --

**MR. INIBASCIANI:**

In your packet.

**LEGISLATOR FOLEY:**

Pardon? It's in the package? Okay.

**MR. INIBASCIANI:**

In the package, you will see each station is listed.

**LEGISLATOR FOLEY:**

Okay.

**MR. INIBASCIANI:**

What radio stations it ran on and what TV and how many times they ran.

**LEGISLATOR FOLEY:**

Okay, where is it now?

**MS. BENINCASA:**

On the left side in your pack. Color --

**LEGISLATOR FOLEY:**

Okay, could you give us --?

**MS. BENINCASA:**

And also, this has every station that it ran and the number of times that it ran on both television and radio. The number of Mall displays we have. The number of movie theaters that the ads have been in.

**LEGISLATOR FOLEY:**

Okay. Could we hear from you -- give us an overview of the television stations? All right, this is July through December 2001. What do you intend to do in the upcoming year?

**DR. BRADLEY:**

We need a little bit of time with the revised budget to put our plan together.

**LEGISLATOR FOLEY:**

All right. At the last meeting, where you mentioned about MTV? You had time at MTV, is that correct?

**MS. BENINCASA:**

Yes.

**LEGISLATOR FOLEY:**

Okay, all right. And what was the total -- looking at this from July through December, what was the total amount of money?

**MR. INIBASCIANI:**

For which media?

**LEGISLATOR FOLEY:**

If you look at this chart?

**MR. INIBASCIANI:**

Correct.

**LEGISLATOR FOLEY:**

What was the overall amount of money spent on TV advertising? This is for half a year. Was that -- do you have that in here?

**MR. INIBASCIANI:**

For TV, we spent four hundred and ninety thousand dollars. For radio, we spent two hundred and twenty thousand dollars.

**LEGISLATOR FOLEY:**

Is that somewhere attached to this?

**MR. INIBASCIANI:**

No, we did not include it in the cost of this document.

**LEGISLATOR FOLEY:**

All right, okay. What I would like then is to have some dollar amounts for what was expended this year for the different media outlets. Again, you said how much for TV?

**MR. INIBASCIANI:**

Approximately four hundred and ninety.

**LEGISLATOR FOLEY:**

And for radio?

**MR. INIBASCIANI:**

Two twenty.

**LEGISLATOR FOLEY:**

And that's for half yearly amount?

**MR. INIBASCIANI:**

That's correct.

**LEGISLATOR FOLEY:**

All right, so was the original intention to basically double this? What was the -- when you submitted the budget back in September, back in June, I guess you must have amended it at some point. What was the amount of money you intended to use for radio and TV for 2002?

**MS. BENINCASA:**

Well, our entire media budget including production and airtime was nine hundred thousand dollars for the year. That's last year. That's for 2001. For 2002, it was nine hundred --

**LEGISLATOR FOLEY:**

For 2002. And did you submit that to us in prior -- in the last committee meeting? What the budget? You had intent? All right, could we have a copy of that please? Yes, to the County Executive. But if you could please send us a copy of that okay? Because then we can compare that to what your modified is going to be for the year. Legislator Postal made a good -- a very good point about the need to have a diversity within the commercials. And the radio stations, we see xx are these the same radio stations, the four listed? Those are the four that you had intended to --

**MR. INIBASCIANI:**

Correct.

**LEGISLATOR FOLEY:**

Now how do we decide -- how did you decide to go with those four?

**MR. INIBASCIANI:**

Well, we looked at our targeted audiences and we tried to match them up. In Suffolk County, you are very limited, in terms of the stations you can choose. WALK is very skewed towards women. WBAB is more skewed towards men. WBLI is kind of a mixed audience. WBLI also heads the younger demographic as well and NXXP is an East End station.

**LEGISLATOR FOLEY:**



Okay. You mentioned earlier through the Chair that there are fees you have to pay the CDC to run their --

**MR. INIBASCIANI:**

They're basically talent cost for the two individuals that appear. And their talents are in that commercial, hopefully, not the dog but the two kids. You have to pay talent fees.

**LEGISLATOR FOLEY:**

Okay.

**CHAIRPERSON FIELDS:**

Do you know how much that is?

**MR. INIBASCIANI:**

Yes, for that commercial is about eight thousand dollars.

**MS. BENINCASA:**

For three months.

**MR. INIBASCIANI:**

For thirteen weeks, right.

**LEGISLATOR POSTAL:**

I have just a couple questions. When you come back for a follow-up report to the committee? Can you also explore the issue of African Americans appearing in TV commercials? And also, you know I would look at the radio commercials. So that there could be, I guess audible recognition by African Americans.

**MS. INIBASCIANI:**

Ms. Postal, in two radio spots, we produce one other radio spot was African American.

**LEGISLATOR POSTAL:**

That's great. So if you could, you know give us that information? I have a specific question. I'm really confused about something that I'm reading in your teen and tobacco in Suffolk County summary. And I see that these pages are not paginated. But it's near the end. There's a section that's headed initiation and cessation. I don't know, it's about three, four pages from the end and it says I'm curious about the third sentence, which says delaying the experimentation with tobacco products will increase the child's chance of ever using tobacco.

**MS. BENINCASA:**

That should be never.

**LEGISLATOR POSTAL:**

But that's what I was going to say. It should say decrease or something. Thank you.

**MS. BENINCASA:**

This is still in its draft form.

**CHAIRPERSON FIELDS:**

Thank you, number one, for your patience in getting to this part of the agenda. But I would like -- if we're going to have -- if or at least, if I'm part of the Health Committee and if my colleagues are to have you come back in January with answers to a lot of the different questions that have come up now. And I'm sure that what we'll try to do is not have so many things on the agenda that it ends up, you know kind of choking what it is that you're trying to tell us. And what we're trying to ask and get answers to but maybe if you could do that. And we'll take a look at where we're at at that point. Because I think it's important, very important to me and I think, I can speak for my colleagues that it's also very important to them and the residents of Suffolk.

**LEGISLATOR FOLEY:**

Madam Chair, if I may? To answer the questions that have been raised today but also, as you mentioned earlier that you'll be able to give us by the end of January, a presentation on the -- how you intend to utilize the monies in the Year 2002. So it will be both to answer questions that we raised today but also to give us the plan, if you will, of your media approach for 2002. You'll be able to do that in January, as well. And also, as I said, well prior to that, if not before the end of the week, send us a copy of what your proposed plan was in June, okay?

**DR. BRADLEY:**

Um-um.

**LEGISLATOR FOLEY:**

Thank you.

**CHAIRPERSON FIELDS:**

Okay, can we -- do we have to -- maybe we could have Jeff and is Terry still here or did she leave? Maybe we could go to the Bay Shore and the Coram Health Center update? Thank you very much. Jeff and Terry, I guess could you come on up. Is Basia? Yes? You were kind of hiding behind Mary's head. I think what we want to do is just ask for an update of where we are in the two separate Health Centers? We've been taking about Coram for probably a couple of years and the last time that we had the meeting, we asked some questions and not everybody was here to give us the answers. And one of the questions was, is the lease ready? Has it been approved? Are there problems with the lease? The second was are we set with the area that we were looking at? And there are a medley of other questions. So I guess let's start with whoever would like to speak first. Terry, maybe that would be you?

**MS. BRADDISH:**

On the lease -- I don't know if it's on. I'm actually --

**CHAIRPERSON FIELDS:**

Use the microphone, please? You can hold it.

**MS. BRADDISH:**

Oh it's probably not on. On the lease, I actually have the draft in front of me right now. We expected to go out. We've been meeting with the landlord. We've gone through some revisions. There's different things --

**CHAIRPERSON FIELDS:**

We're talking about Coram for the record, right?

**MS. BRADDISH:**

I don't know anything about that part.

**CHAIRPERSON FIELDS:**

Right, I just wanted it for the record, have it -- that it's about Coram.

**MS. BRADDISH:**

We basically have the basis for discussion but during our conversations what's come out is that we would like to have much more detail in our plan specification and designs. And there is some hesitancy on the landlord to expend those funds prior to a lease being signed and they are an attachment to the lease. So that's the latest issue that's been -- that's arisen. Like I said, most of the terms have been addressed and are in here.

**CHAIRPERSON FIELDS:**

Are the details unusual compared to past practices?

**MS. BRADDISH:**

We've started moving towards these build to suits, as opposed to finding a building and saying okay, we've got to modify it to this. So it's a lot more detailed. There's a lot more expense involved. So I think, as a result of our conversations, I believe what we were

interested in pursuing to expedite the entire process. Because we're sort of that we can't get the detail we need and they don't want to expend the money to give us the detail we need. So we're sort of and this just arose, I mean, this is as of the last week. So what we have, we're investigating doing is seeking a C/N and Betty may be able to confirm this. And we've discussed it with the landlord -- would be to have a contract prior to the lease, which would authorize the County to basically, enter into a contract with the landlord guaranteeing them that, in the event that a lease is not signed --

**CHAIRPERSON FIELDS:**

Guaranteeing who?

**MS. BRADDISH:**

The landlord. In the event that the lease is not signed, we would pay the architectural cost. But basically, authorizing them to commence the architectural work immediately and if the lease is signed, there would be no cost. Because those costs are built into the cost of the lease. That way that would give them the security that hey, I'm not expending, however much the architectural design and all that planning costs out of pocket and then the County saying, well you know what? We've changed our mind and we don't want to do this lease. So it would greatly expedite the entire process and at the same time, when the lease is finally executed, we would have much more detail and thereby a more accurate cost in the lease. Because what often happens is you put this information in and then as the project proceeds and you do your change orders and this, that and the other thing, you see expenditures going up and I think that this may hopefully, assist in that regard.

**CHAIRPERSON FIELDS:**

It sounds to me like this is a good thing for the County and it's a good thing for the landlord. But the best part of all is that it's going to expedite the process.

**MS. BRADDISH:**

Well that's -- which I think, it's what everybody is trying to do. And I think, you know and in the same time what would be going on is, we would have that phase of the project proceeding and we could be ironing out whatever final details we have in this so --

**CHAIRPERSON FIELDS:**

Betty, is that true that there will be a C/N? You have to speak on the microphone. There maybe one at the Podium but maybe not.

**MS. GALLAGHER:**

Betty Gallagher, County Exec's Office. Basia and I discussed this at length yesterday because we realized that departments that have been functioning in the building had some reservations about what we were going to get, what the lease would provide for. So when Basia suggested we do a resolution to do that, I agreed. I said this is the way we can expedite the lease and make sure we have what we want and the departments are satisfied. So I don't expect that we'll have a problem but a C/N is something we'll have to do to get it back on for December 18th.

**CHAIRPERSON FIELDS:**

You know I'll say it --

**MS. GALLAGHER:**

We have no reason to say no.

**CHAIRPERSON FIELDS:**

Yes. With all the amount of time that we've taken, we could have had this place built and we could have moved into it already. And I understand that would have to go through a process. But I think we need to do this ASAP and anything that can expedite the process and protect both sides, I think is a very good plan.

**MS. GALLAGHER:**

Well that's it, we want to expedite the process but make sure that --

**CHAIRPERSON FIELDS:**

Absolutely.

**MS. GALLAGHER:**

The process is not flawed.

**CHAIRPERSON FIELDS:**

Well, this sounds --

**MS. GALLAGHER:**

That's something we don't want.

**CHAIRPERSON FIELDS:**

Yes, it sounds like a win win situation. Ted, do you have anything to offer? I mean Jeff? I actually do know that you are Jeff.

**MR. MARTELL:**

I know thanks. I thought he might have been standing behind me. No, he's at a retirement party for somebody.

**CHAIRPERSON FIELDS:**

Basia, will there be a cap on the costs, just so we know that?

**MS. BRADDISH:**

That would probably be Jeff.

**CHAIRPERSON FIELDS:**

Okay.

**MR. MARTELL:**

I believe what the process is going to be is that the owner is going to contact his architect and that we will sit down and discuss what the County requires to be able to get satisfied from the product that they're going to deliver.

**CHAIRPERSON FIELDS:**

How long does that take?

**MR. MARTELL:**

Well, he's been in -- I believe he got in contact with his architect yesterday. And his architect is looking at the possibilities of what we're looking for, which is elevations, more detailed floor plans, which fit into the site that we're talking about. The floor plans that the County gave were basically, prototype floor plans, which could fit into any site. So these floor plans would be mirrored into his site, specifically.

We also gave him outlined specifications and details of different items that were going into the building. So he would then reproduce the specifications, give them back to us. He would look at them. He would add things that he's giving to us in more detail. He would do the elevations and basically, the big thing is that he would be doing site planning, which would locate the building or buildings on the site, do the parking --

**CHAIRPERSON FIELDS:**

The site, we have established that we have a site? One site?

**MS. BRADDISH:**

The only site.

**CHAIRPERSON FIELDS:**

Okay. We hadn't established that last time.

**MR. MARTELL:**

No, it has been established.

**CHAIRPERSON FIELDS:**

Okay.

**MR. MARTELL:**

We're fairly far into the process. We hit this sort of stumbling block because of the detail that's required. It is a major project and it is a Health Center. The DSS part is an office building. The Health Center is a major construction project. But that's where we are.

**CHAIRPERSON FIELDS:**

Okay, so just to review this? There are a couple of things that you have to do but again, can we look at an estimation of when this should be completed? And can we look at that as a goal? You know, in one week, two weeks or three weeks, we're going to have an executed document where we can consider when we're going to put the shovel in the ground or --

**MS. BRADDISH:**

Well, what we will get is the executed contract for the architectural services. That is what -- that's what we're looking for now, which would normally have been part of this process. I mean, this would have all relied on that same time period. Because you can't start anything until you have your design.

**CHAIRPERSON FIELDS:**

Okay, so when do you think that that might happen?

**MR. MARTELL:**

The contract?

**MS. BRADDISH:**

Well, once we have the resolution authorizing us to do the contract --

**CHAIRPERSON FIELDS:**

Let's say that's on the 18th?

**MS. BRADDISH:**

Okay, they start. It gets signed and they start their design services.

**CHAIRPERSON FIELDS:**

Okay. Jeff, you kind of have an idea?

**MS. BRADDISH:**

No.

**MR. MARTELL:**

No. Oh no, the lease would --

**MS. BRADDISH:**

Yes, simultaneously and that's actually today. I have the landlord's lease here for them to look at what we've prepared. It has some open things. It has some open numbers. There's some question about certain issues in the lease. But it's going to them, so that they can review the basic terms and make their changes. Same time, the architectural process is going on. Once we have detail from them, the hard facts, those are exhibits to hear and the lease will be signed. But we'll already be part way through what's contemplated in the lease. Part of the time period. There's some planning elements in the lease that are already going to happen -- have happened before the lease is signed because we're getting this contract.

**MR. SABATINO:**

Just as an observation, is it possible to put some kind of a deadline in that contract that's going to be authorized by the resolution? So that they have to complete that architectural servicing work by a date certain. This way, you know your next starting point will be, whatever it is, 30 days or 40 days.

**MR. MARTELL:**

Let me -- it's possible what I'm sitting here and I'm listening to Legislator Fields looking for a deadline and the only thing I'm thinking of is, I don't know what -- he does have, he has selected an architect. And I don't know what is on the architect's plate right now and what other things they're doing. So it would be hard to -- I mean I could sit here and say well --

**CHAIRPERSON FIELDS:**

Well, let me ask you a question? If you gave a contract to a landlord to say that we would like to have the architectural plans by February 1st, he could choose not to sign that contract and say well, I can't have it ready until February 15th. So can't we offer a deadline? And if he feels that that deadline is not attainable, he can choose to say no. You know, we can extend it.

**MR. MARTELL:**

Yes.

**MR. SABATINO:**

Also because --

**CHAIRPERSON FIELDS:**

But we're looking for -- you know, we're looking for this not to have to wait until the next time and wait, you know --

**MR. MARTELL:**

The next six weeks.

**MS. BRADDISH:**

We make the proposal for six weeks and I mean, from all my conversations with them, they're anxious to start so --

**CHAIRPERSON FIELDS:**

I'm sure.

**MS. BRADDISH:**

I don't think that's the problem. I mean, they are -- they are very anxious to see all this move along and --

**CHAIRPERSON FIELDS:**

Okay.

**MS. BRADDISH:**

That's what brought up the architectural design. How can we get this started that they would be satisfied and we would be satisfied. And that's how we started to come up with this idea.

**CHAIRPERSON FIELDS:**

I think that's what we're all looking for is not to have to keep talking about Coram on every single agenda. So then, possibly in January, you will have good information that will say we're ready to go? No one is saying yes. The microphone, Terry or Jeff?

**MR. MARTELL:**

We don't know. Well, it's something that Terry just asked me and it has to be signed off. The architect can't give us, Public Works, the drawings or the County but it would have to be reviewed by us. But also, even more so by the departments. By the Department of Social Services and the Department of Health Services for their approval.



**CHAIRPERSON FIELDS:**

I'm going to just stick my neck out and say that I would almost guarantee you that the Department of Health and the Department of Social Services wants to get this done as quickly as possible too. I know the Department of Health does. I will speak for Commissioner Bradley.

**MR. MARTELL:**

That's true and I do get -- we do get -- Public Works gets immediate response from the Department of Health on all the drawings that are reviewed by them. The Department of Social Services, we get a quick response.

**CHAIRPERSON FIELDS:**

Maybe we could just tell them that they can stay where they're at then, if they don't respond. Okay. Thank you very much. Right on to Bay Shore. Sorry to make you sit here for this many hours.

**MS. ALLAR:**

Getting to Bay Shore. Nothing much has changed since the last time we had a few sites. The Department of Health has looked at these sites and so has Jeff. And I believe we should be making a presentation or they should be in a position to make a presentation at the next Space Steering Committee Meeting.

**CHAIRPERSON FIELDS:**

You started out with how many sites, approximately?

**MS. ALLAR:**

Oh, I would say, we have at least eight.

**CHAIRPERSON FIELDS:**

And now you're down to --?

**MS. ALLAR:**

Well no, no, the presentation will be made to the committee.

**CHAIRPERSON FIELDS:**

You're down to eight?

**MS. ALLAR:**

Yes.

**CHAIRPERSON FIELDS:**

We started out with more than that, I think, quite a few. Okay.

**MS. ALLAR:**

Probably and then they were slowly out of the picture. But some did not serve their needs at all and they weren't even presented.

**CHAIRPERSON FIELDS:**

Okay.

**MS. ALLAR:**

But there should be a presentation, probably at the next meeting, which I believe is December 20th.

**CHAIRPERSON FIELDS:**

Good.

**MS. ALLAR:**

The Steering Committee Meeting.

**CHAIRPERSON FIELDS:**

Okay, thank you.

**MS. ALLAR:**

You're welcome.

**CHAIRPERSON FIELDS:**

Again, my apologies. Doctor Bradley, the bus tokens are working effectively I hope?

**DR. BRADLEY:**

They haven't been giving out large amounts yet. They've offered them -- they're offering them in the community. The letters to current or previous Bay Shore Health Center patients have just been going out. That letter gives them information about where they can get the tokens. So right up until they got the letter, it was more word of mouth or if they went to Brentwood or CI where they're given tokens.

**CHAIRPERSON FIELDS:**

Do you have any --?

**DR. BRADLEY:**

There hasn't been a tremendous distribution out as yet. We're hoping the letters will increase that.

**CHAIRPERSON FIELDS:**

Do you have any idea of compliance of patient visits that should be -- being seen follow-up on patients that should be seen on a regular basis?

**DR. BRADLEY:**

In the short term, it looks like it's about the same as it was when we left the first time, which is about 30 percent. But they didn't have a lot of numbers on which to look. So they -- I'll have more information for the next meeting.

**CHAIRPERSON FIELDS:**

Again, you know --

**DR. BRADLEY:**

It looks about the same.

**CHAIRPERSON FIELDS:**

Okay. All right, we hope to move that one along and maybe by next month, we'll have some better answers. The Flu Shot Program, I don't know where Brian went. Oh, there you are.

**LEGISLATOR FOLEY:**

Well, we've certainly run the gamut here, the last committee meeting of the year. Could you just get -- well, since we have the issues at hand, if you could give us a brief overview of the Flu Shot Program? There were some problems again, I know this fall.

**DR. BRADLEY:**

Yes.

**LEGISLATOR FOLEY:**

Some of the locations were cancelled. And I know that there was an issue again, as with last year with the firms or companies that make the product. Just tell us what had happened and how can we try to prevent it? Some of the problems from happening again?

**DR. BRADLEY:**

Two years ago, the difficulty centered more around production of the vaccine within the individual pharmaceutical companies. That year and then this year, we've had issues with FDA oversight intervention at the manufacturers. Wyeth almost did a brand new plant, so that required FDA to come in. When they came in, they had concerns with the way the vaccine was being produced. So that, we are still feeling the effects of. Now when we planned our vaccine program for the fall, we were quote, unquote "promised that we would get certain percentages." Now they were not able to live up to those and that is why we started. We gave out about four to five thousand doses through the community programs and a separate amount through the Health Centers. We had to stop for about a week and a half. We now have all of our vaccine in. So we've actually given out more this year than we have in any previous years because the original clinics, the turnout was overwhelming. We'd have two and a half times as many people. So it's an issue, from what we can do here in Suffolk County, besides speak to State people and Federal people.

I think the CDC and the Federal Government needs to step in. But I think when they distribute we -- through traditionally through the years, we always buy off the State Contract because it's cheaper. Because of what happened to us last year, we said, you know, we're going to buy off the State Contract. It's about 30 to 40 percent the cost if we didn't. But we're going to get a supply that we're going to order off State Contract and we did that and that came in on a better schedule than going off the State Contract. I don't know for sure but my feeling is is that when you're looking at giving out your vaccine to people who pay more than others who don't pay more, I'd probably get it through the people that pay more. But I don't have definite information on that.

The other issue is, I feel strongly that the pharmaceutical companies should give first to public health agencies before they give to others, in terms of distribution. And that has not happened yet and again, that's something I think the Federal Government has to step in and do and say, do you have a Health Department who has ordered? I think they should get the first doses before you give to anyone else.

**CHAIRPERSON FIELDS:**

Have you written to anybody in the Federal Government?

**DR. BRADLEY:**

No.

**CHAIRPERSON FIELDS:**

That would be, I think a great idea to send that out to --

**DR. BRADLEY:**

There's been -- I know others have. I know the State has communicated but it hasn't happened yet. Because I know Genovese had their -- and not that Genovese isn't good but they're not going to prioritize for the high-risk groups. When someone comes into Genovese, they're going to get their vaccine. So I think it requires action at the federal level but I will do that.

**CHAIRPERSON FIELDS:**

Isn't the flu season usually when it gets fairly cold? I mean, has this season been -- has this season been helpful because it's been so warm up to date? And I know that when you take -- when you have a flu shot, it takes a certain amount of time to become -- or at least somewhat immune to the flu. Has this at least been a fortunate occurrence?

**DR. BRADLEY:**

So far, so good. Usually we don't really have the flu season in big numbers until December, January. And although we had the first case of flu in the whole State within Suffolk County, we have not seen significant numbers yet. But we won't know until, as I said, December or January. What we found last year is we got our vaccine very late last year and by the time we started doing our clinics, people didn't come out. That's where you want to do it early.

Especially for the seniors. But this weather has been almost perfect for vaccine distribution because it's so warm; it's almost spring. So they are still coming out and as I've said, we've given about eight thousand, normally we give about six or seven.

**LEGISLATOR FOLEY:**

May I just continue Madam Chair? The week and a half, as you know that you had to cancel the number of locations, two of which were in my district. And you had re-established dates at a later time. But hopefully, this will never happen again but if it does one of the things that I would hope the department would improve upon is that if there's a cancellation and again, hopefully, there isn't but if there is, to give as much advanced notice as possible. But even if that's done, to have someone from staff still go to that location. And if and when people arrive who didn't hear of the cancellation to write their names, addresses and phone numbers down. So what had happened, at least -- two instances in my district and I think it happened elsewhere is that there was appended to -- attached to either a window or a door that yes, it's been cancelled. But no one was given the opportunity to either write down and they were given a number to call. But dealing with the public, as we know that we deal with, that it will be also important for the department -- for a person to still show up to get their names, address and phone number, so that they can call them back to tell them, if in fact, a new day is set for the same location. Because many of the people who take advantage of this program don't have the ability to travel to other parts of the County to get a vaccination. So hopefully, we'll never have this happen again. But if so, word has to get back to some of your staff that they should still go to that location, stay for the hours that you otherwise would have given the shots; to get the names of those who come to the facility, okay? All right, thank you.

**CHAIRPERSON FIELDS:**

I'm just going to go right into restaurant updates for County Web site. This was a request that was made of Legislator Bishop and a couple of other people, I think, during the budget hearings was, how you intend to get the information from one to other and on to the Web site?

**MR. DINDA:**

I have good news.

**CHAIRPERSON FIELDS:**

You have to just say who you are.

**MR. DINDA:**

My name is Ernest Dinda. I have good news. Everything we've been charged with, we were able to complete in adequate time. So I don't think there's going to be too many questions. The resolution was passed on August 1st and we were given the responsibility along with ES of the County ES and the Department's ES to develop a Web site that would be available to the public to access and to look up their favorite restaurant or particular establishment to see what the inspection status of the establishment is. We did complete that. Actually, the site has been in a test mode since probably the first -- since the early part of October. And the public will be able to go to the County, either through the County Web site or through the department Web site and focus --

**CHAIRPERSON FIELDS:**

Okay.

**MR. DINDA:**

So the public can access that Web site. And then, we'll get some general information as to how the Health Department does its inspections; what the enforcement program is like and what approaches we take to perform the inspection. Basically, what it boils down to is if one of the sanitarians, that's the inspectors in the field go into an establishment and they find critical violations, red violations. The type of violations that could possibly lead to a food illness. If they find it on two consecutive inspections, that particular site will be posted on the Web. And it will be accessible either through the Town, the name of the Town or you can go in by alphabetical order; or you could put in the name of the Town and sounds like

restaurant and find a restaurant, it will tell you when it was inspected. It will tell you the type of violation that was found. Only critical, I should correct that. It will show only the red, the critical violations, not the floors were dirty or something like that. It will tell you when the inspection was done. And we have also committed ourselves to perform re-inspections for those establishments that have been cited and that re-inspection should be done within a two-week period. So within a two-week period, if the establishment is found to be in compliance, that site will then indicate that a re-inspection was done and that the establishment was found to be operating in substantial compliance. There is also --

**CHAIRPERSON FIELDS:**

Will it say that on the Web site that -- about the two weeks?

**MR. DINDA:**

Yes, there is also a link that people will be able to access that will explain exactly what does violation mean? So I see, you know, food is out of temperature, blah, blah, blah. It's something that was found at a hundred and forty degrees, you know it doesn't require an explanation. But by being able to link to the public health significance, there is a very, very plain explanation as to why products have to be kept at a certain temperature. Why does it say critical violation?

It also allows the public to request, make a written request to us, to gain more information about that particular establishment. The Web site will only post the last inspection. You will not be able to get a history. But if you, as a consumer, or the public, if they want to request that, they have to do it in writing and we will mail them hard copies of whatever history they would like. That's it in a nutshell.

**CHAIRPERSON FIELDS:**

Okay, great. Great nutshell. Thank you very much. Thank you for giving us the information. Doctor Bradley, just one quick thing before we have an Executive Session or before we -- maybe we'll do the agenda but just really quickly? The osteoporosis resolution that passed recently, just I don't know whether the budget effected that or what the plans were. But I guess number one, how many machines was that going to purchase and was it included in the Budget for 2002?

**DR. BRADLEY:**

That was in the Capital Budget, so it was not affected by the Operating Budget. And I'm fairly confident that one machine has been received and I don't have specifics beyond that but I can provide it for the next meeting.

**CHAIRPERSON FIELDS:**

You don't know where it went then?

**DR. BRADLEY:**

Well, we were try to do a West End and an East End Sites.

**CHAIRPERSON FIELDS:**

Do you know which West End Site?

**DR. BRADLEY:**

No, I don't know. I'll make that for the next meeting, I don't know.

**CHAIRPERSON FIELDS:**

Okay. That's kind of important to the Women's Caucus. Okay, thank you. Okay, I'm going to go right to the agenda. IR -- we went to -- IR 2037 was tabled. IR 2047 was approved. IR 2056 I'm going to make a motion to approve, second by Legislator Postal. All in favor? Opposed? Approved?

**TABLED RESOLUTIONS:**

**I.R. NO. 2056 (P) Creating committee for securing HVAC systems in County buildings and facilities against chemical biological terrorist diseases. (Legislator**

***Vivian Fisher)***

**VOTE: 4-0-0-0 APPROVED**

**CHAIRPERSON FIELDS:**

IR 2139 amending the Department of Health Services, Division of Public Health Adopted Budget to reallocate funds for a contract agency. It passed? Oh. Motion to approve by Legislator Foley, I'll second the motion. All in favor? Opposed? Dr. Bradley, which one -- how are we reallocating funds for the contract agency? That's 2139.

**DR. BRADLEY:**

Kids Hospice and there was a change in name or a merging of two hospices. So this just changed the names within the financial system to allow this to happen.

**CHAIRPERSON FIELDS:**

Okay, motion to approve, seconded. All in favor? Opposed? Approved.

**INTRODUCTORY RESOLUTIONS:**

***I.R. NO. 2139 (P) Amending the Department of Health Services, Division of Public Health 2001 Adopted Budget to reallocate funds for a contract agency. (County Executive)***

**VOTE: 4-0-0-0 APPROVED**

**CHAIRPERSON FIELDS:**

IR 2140 amending the Department of Health Services, Division of Patient Care Services. Motion to approve, seconded. All in favor? Opposed? Approved.

***I.R. NO. 2140 (P) Amending the Department of Health Services, Division of Patient Care Services 2001 Adopted Budget to reallocate funds for a contract agency.***

**VOTE: 4-0-0-0 APPROVED**

**CHAIRPERSON FIELDS:**

IR 2142 requesting legislative approval of a contract award for the development and implementation of a K-12 Health Education Curriculum. Motion to approve, seconded. All in favor? Opposed? Approved.

***I.R. NO. 2142 (P) Requesting legislative approval of a contract award for the development and implementation of a K-12 Health Education Curriculum for the tobacco Education and control Program to be provided to the Suffolk County Department of Health Services. (County Executive)***

**VOTE: 4-0-0-0 APPROVED**

**CHAIRPERSON FIELDS:**

Motion to go into Executive Session, seconded. We are in Executive Session.

***(Executive Session 2:55 P.M.)***

***(The meeting was adjourned at 4:00 P.M.)***



{ } Denotes spelled phonetically